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A

STATISTICAL ACCOUNT

OF

THE BRITISH EMPIRE:

EXHIBITING

ITS EXTENT, PHYSICAL CAPACITIES, POPULATION, INDUSTRY,

AND

CIVIL AND RELIGIOUS INSTITUTIONS.

BY J. R. M^c^CULLOCH, ESQ.

ASSISTED BY NUMEROUS CONTRIBUTORS.

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STATISTICAL ACCOUNT

OF THE

BRITISH EMPIRE.

PART III.

INDUSTRY OF THE BRITISH EMPIRE.

CHAPTER V. — Commerce.

Sect. I. — *General Remarks on Commerce.*

The commerce of Great Britain has, for a lengthened period, formed one of the principal sources of her wealth and power; and no account of the state and resources of the empire can have any pretensions to completeness in which it does not occupy a very prominent place.

Mode in which Commerce contributes to increase Wealth — Means by which it may be promoted. — Strictly speaking it is, perhaps, improper in a statistical work to say any thing on topics of this sort; but so much misconception is entertained as to the mode in which commerce contributes to increase wealth, and the means by which it may be promoted, that we hope to be excused for submitting a few observations upon these points. No one doubts that they are of the greatest importance.

The influence of commerce upon national wealth is only indirect. Those engaged in commercial undertakings make no change in the articles they buy and sell: they merely barter one sort of produce for another; and, generally speaking, what is given is the exact equivalent of what is got. The advantage of the exchange — and it is not easy to overrate its importance — consists in its enabling those who produce the commodities or articles that form the subject-matter of commerce to carry on their business without interruption. The intervention of merchants and dealers gives a continuous motion to the plough and the loom. They collect and distribute all sorts of commodities; they buy of the farmers and manufacturers the things they have to sell; and bringing together every variety of useful and desirable articles in shops and warehouses, individuals are able, with-

out difficulty or loss of time, to supply themselves with whatever they want. Were the class of dealers annihilated, that division of labour in agriculture and manufactures to which they are indebted for most part of their progress would be wholly destroyed. The moment an individual had produced a quantity of wheat, of cloth, or of shoes, he would be obliged to abandon his peculiar occupation; and to endeavour, first to dispose of his produce, and next, to find out the various individuals possessed of, and willing to part with, the different articles required for his consumption. Under such circumstances, it would not be possible to confine ourselves to one employment; and every family would be obliged to undertake the manufacture of most things required for its support. All the advantages of co-operation and combination would be lost; society would be thrown back into primeval barbarism, and would not possess a tenth part of the accommodations that are now enjoyed.

But this is not all. Besides enabling individuals to addict themselves, in preference, to such employments as suit their tastes or capacities, and to prosecute them without interruption, commerce gives birth to a *territorial* division of labour. Different countries, and different provinces of the same country, differ in situation, soil, climate, and productions: some are admirably fitted for producing corn and wool, but are without wine and silk; some have rich mines, while their cultivated lands are poor and scanty; some are overrun by forests, while others can hardly boast of a solitary tree: nor is there, in point of fact, a single country, however rich in native products, that would not, if confined to its own resources, be destitute of many articles indispensable to a comfortable existence. But, by the establishment of a free commercial intercourse, what is deficient in one district is balanced by what is superfluous in another; and an industrious nation enjoys whatever is useful, rare, or valuable in all the countries and climates of the world. As soon as a commercial intercourse grows up, each people endeavours to avail itself of its peculiar means of production. Capital and industry are diverted, in preference, to those employments in which the physical circumstances of particular countries, or the genius of their inhabitants, especially fit them to excel; while by exchanging such portions of their peculiar produce as exceed their own consumption for the peculiar articles raised by others, each is supplied with all that is elsewhere obtainable: at the same time that the productive powers are stimulated to the utmost, and that the wealth of the world is immeasurably increased. It is thus, that by distributing the various articles suitable for the comfort and accommodation of man in different and distant regions, Providence has provided for their mutual dependence, and made the selfish pursuits of individuals and nations subservient to the general good.

Brief as this statement is, it is sufficient to demonstrate the impolicy of all attempts to promote commerce or industry by enactments intended to force capital into channels where it would not naturally flow. Such regulations universally proceed on mistaken principles, and are sure to be pernicious. They disturb that distribution of labour which is most consonant to the order of nature; and limit that division of employments among different individuals and countries of which every fresh extension is sure to be advantageous. Those

who maintain the policy of endeavouring, by means of legislative enactments, to give a more profitable direction to national industry than it would naturally take, assume that governments know better than their subjects what is best calculated to promote the interests of the latter. But any such assumption would be in the highest degree preposterous and absurd. "The statesman," says Dr. Smith, "who should attempt to direct private people in what manner they ought to employ their capitals, would not only load himself with a most unnecessary attention, but assume an authority which could safely be trusted not only to no single person, but to no council or senate whatever, and which would no where be so dangerous as in the hands of a man who had folly and presumption enough to fancy himself fit to exercise it." — (*Wealth of Nations*, p. 200.)

The conduct of individuals in matters of this sort may always be safely left to be determined by their own prudence and sagacity. We have the very best security—the plain and obvious interest of the parties—that they will, speaking generally, do that which is most for their own advantage; and, consequently, for that of the state of which they are subjects. Hence the policy of leaving them, in all cases, to pursue their own interest in their own way, and of interfering only when they attempt unjustly to encroach upon each other. Freedom and security are all that is necessary to stimulate industry and invention, and to insure the most rapid advancement in the career of improvement.

When a restriction is laid on the importation of any description of commodities previously brought from abroad, their price suddenly rises, and the home producers get an advantage; but what they gain in this way is plainly at the expense of their fellow-citizens, and is, besides, of trifling importance. For, additional capital being drawn to the business, prices are very soon reduced to the level that barely affords the ordinary rate of profit. Now, it is just possible that this level may be identical with that at which prices stood previously to the restriction; but the probability is, that it will be considerably higher. If the former should happen to be the case, little, though something, will have been lost, but nothing whatever will have been gained, by the restriction. By ceasing to import from the foreigner, we must also cease exporting to him; for the exports are, in all cases, merely the equivalents of the imports. All, therefore, that will have been accomplished by this measure will be the transference of capital from one employment to another. That equality of protection to which all individuals are justly entitled will have been encroached upon; the increase of one business will have been brought about by the depression of some other that was equally advantageous; but no addition will have been made to the capital of the country, or to the facilities for employing that capital with security and advantage.

But, in the vast majority of cases, the price of an article imported from abroad is not the same after its importation is prohibited, but is permanently raised; for, if we could previously have produced it as cheaply as foreigners, it would not have been imported. Instead of being obtainable, as before, for 1,000,000*l.*, the article will henceforth cost perhaps 1,200,000*l.*, or 1,500,000*l.* And it is obvious that the

effect of this artificial increase of price on the consumers of the article is precisely the same as if, supposing the trade to have continued free, a peculiar tax of 200,000*l.* or 500,000*l.* a year had been laid on them. But it will be observed that, had such a tax been imposed, its produce would have come into the hands of government, and would have formed a portion of the national income; whereas the increased cost of the article is, under the circumstances supposed, occasioned by an *increased difficulty of production*, and is, therefore, of no advantage to any one.

It consequently results that, even in those rare cases in which a restrictive regulation has no tendency to raise prices, it is hurtful, by changing the natural distribution of capital, and lessening the foreign demand for the produce of industry to the same extent that it increases the home demand. But in that incomparably more numerous class of cases in which a restriction occasions a rise in the price of the article which it affects, it is infinitely more injurious. Besides the mischief arising from varying the natural distribution of capital, and circumscribing the foreign trade of the country, such restriction imposes a heavy burden on the people, for no purpose of general or public utility, but to produce a certain and grievous injury, by tempting individuals to withdraw from really advantageous businesses to engage in those that cannot be prosecuted without great national loss, and which must be abandoned the moment the prohibition ceases to be enforced.

"The natural advantages which one country has over another, in producing particular commodities, are sometimes so great, that it is acknowledged by all the world to be in vain to struggle with them. By means of glasses, hot-beds, and hot-walls, very good grapes can be raised in Scotland, and very good wine too can be made of them, at about thirty times the expense for which, at least, equally good can be brought from foreign countries. Would it be a reasonable law to prohibit the importation of all foreign wines, merely to encourage the making of claret and burgundy in Scotland? But if there would be a manifest absurdity in turning towards any employment thirty times more of the capital and industry of the country than would be necessary to purchase from foreign countries an equal quantity of the commodities wanted, there must be an absurdity, though not altogether so glaring, yet exactly of the same kind, in turning towards any such employment a thirtieth, or even a three hundredth part more of either. Whether the advantages which one country has over another be natural or acquired, is, in this respect, of no consequence. As long as the one country has those advantages, and the other wants them, it will always be more advantageous for the latter nation to buy of the former than to make. It is an acquired advantage only which one artificer has over his neighbour who exercises another trade; and yet they both find it more advantageous to buy of one another, than to make what does not belong to their particular trades." — (*Wealth of Nations*, p. 201.)

These observations will probably suffice to give the reader an idea of the way in which commerce contributes to increase wealth, and of the policy that ought to be pursued with respect to it. Those who wish for further information on these points may consult the Wealth

of Nations, the Treatise on Commerce published by the Society for the Diffusion of Useful Knowledge, and such like works.

It is usual, in treating of commerce in statistical publications, to distribute the details under the heads of home and of foreign trade, It is not possible, indeed, always to separate what belongs to the one from what belongs to the other; but the distinction may, notwithstanding, be made with sufficient accuracy for practical purposes.

1. *Home Trade.*—By this is understood the commercial transactions carried on by individuals of the same country with each other. In countries like France, where *octrois* are established, a kind of rough estimate may be formed of the extent of these transactions; but in such a country as England, where, with but few exceptions, no account is taken of any article brought to market, there are no means whatever of estimating the amount of this trade: it is obvious, however, that it must be very great. Articles of provision and clothing are, of course, the most prominent; but coal, and various articles of building and manufacture, are also very important.

There can be no question, that the number and importance of the engagements annually entered into with each other by the inhabitants of all rich and populous countries very far exceed the number and importance of those they enter into with foreigners. But it does not, therefore, necessarily follow, as is commonly supposed, that the home trade is more beneficial than the foreign trade. Commerce, it must be kept in mind, is not directly productive; and, in estimating the comparative advantageousness of the traffic we carry on among ourselves and that which we carry on with others, it will not do to look merely at the magnitude and number of the transactions in each. The real question is, which occasions the greatest subdivision of employments, and gives the most powerful spur to industry? This, however, is a question that does not, perhaps, admit of any very satisfactory solution. Without some species of home trade, no division of employments could ever have been made, and man must have continued in ignorance and barbarism. And it may, therefore, be truly said, that the home trade is the most indispensable to the rise and early progress of the arts. But those who consider the influence of foreign commerce in making man acquainted with an infinity of useful and desirable products of which he must otherwise have been ignorant, — in diverting the industry of every country into the most profitable channels,—in improving every process carried on at home, by opening the markets of the world to its produce, — and in exciting the desires, and stimulating the industry and invention of all classes, will not hesitate to admit that it has principally contributed to advance society to the high state of improvement to which it has attained.

At no very distant period, various restraints were imposed on several branches of the home trade. Of these the most important seem to have been those laid on the dealers in corn. The practices termed *engrossing*, or the buying up of large quantities of corn and other victual, in the view of selling them at some future period; *forestalling*, or the buying of or contracting for corn or other victual on its way to market; and *regrating*, or the selling of corn or other

victual in the same market in which it had been bought, — were all forbidden under severe penalties. But the pernicious effects of such interference at length became obvious; and the statutes against forestalling, &c., after being materially modified in the reign of Charles II., were finally repealed in 1772.

It was not unusual, under the princes of the Tudor line, for the crown to grant monopolies to some one individual or set of individuals, conveying to him or them the sole right to make, buy, sell, export, or import some commodity or class of commodities. This abuse was carried to a very great height in the reign of Elizabeth. The grievance became at length so insupportable that, notwithstanding the opposition of government, which looked upon the power of granting monopolies as a very valuable part of the prerogative, they were abolished in 1624 by the famous act, 21 James I. cap. 3. This act declares that all monopolies, grants, and letters-patent, for the sole buying, selling, and making of goods and manufactures, not given by act of parliament, shall be null and void. It excepts patents for fourteen years for the sole working or making of any new manufactures within the realm, and for the true and first inventors of such manufactures, provided they be not contrary to law, nor mischievous to the state. It also excepts grants by act of parliament to corporations, companies, &c.

This act effectually secured the freedom of internal industry, and has contributed more than any other in the statute book to accelerate the progress of improvement. From the period when it was passed down to the present moment, every branch of industry carried on at home has, with a few trifling exceptions (principally originating in corporation privileges), been conducted under a system of free competition. All individuals have been at liberty to employ themselves in whatever way they judged most conducive to their interests; and invention has been constantly on the rack to find out new methods of production, and to improve and perfect the old. The whole country has been subjected to the same equal law; and individuals and commodities have been permitted to pass, without let or hinderance of any sort, from one province or district to another. The restrictions that have been imposed on several branches of our trade with other countries have obliged us to pay an enhanced price for different foreign products, and subjected us to various inconveniences; but nothing of the sort has been experienced at home. The natural order of things has been less disturbed in Great Britain than in any other country; and we have been supplied with all sorts of native commodities and accommodations at the lowest price that would suffice to indemnify those who brought them to market.

This freedom of internal industry has been one of the principal causes of our more rapid progress in manufacturing and commercial industry. Those who compare the internal policy of Britain in this respect with that of France, Spain, or Germany, where each province had a separate revenue system, and was in the habit of surrounding its frontiers with a cordon of troops to shut out the cheaper products of its fellow-subjects, will be satisfied that it is not easy to exaggerate the advantages we owe to this more liberal system.

2. *Foreign Trade.*—The foreign trade of England was long con-

fined within the narrowest limits, and gave no earnest of the extraordinary progress it was subsequently destined to make. For some centuries after the Norman invasion, the energies of the country were wasted on wild efforts to conquer France. After our expulsion from that country had put an end to this Quixotic attempt, a contest began between the rival houses of York and Lancaster; and, for the protracted period of about forty years, the kingdom was a prey to all the horrors of civil war. The accession of Henry VII. restored tranquillity; and the judicious and vigorous measures of that monarch for repressing the turbulence of the great barons, and securing the ascendancy of the law, were productive of the best effects. But all ranks and orders of people had suffered too much from previous disorders to think of engaging, on the return of tranquillity, in schemes of foreign commerce. Public attention in the reigns of Henry VIII., Edward VI., and Mary, was almost wholly engrossed by religious disputes. Some attempts were, indeed, made to explore foreign countries, but, in the first instance at least, they led to no very striking practical results. It was not till the reign of Elizabeth, that the taste of the nation for naval enterprise and foreign commerce was fully awakened. It was then that the British flag began to wave over every sea; and that English merchants and English products began to be met with in the most distant markets. The foundation, in the ensuing reign, of the colonies of America gave a powerful stimulus to commerce; which was still farther promoted by the free and liberal institutions established at the Revolution. Nothing, however, has had so powerful an influence in extending our trade as the astonishing progress that has been made in the cotton manufacture. Previously to 1770, the exports of cotton goods were so very insignificant as to be hardly worth notice; whereas they amounted in 1836 to the prodigious sum of 24,600,000*l.* (real value), being nearly equal to all the other articles of export produced or manufactured at home!

It was the practice in most modern states, after the revival of commerce in the fifteenth, sixteenth, and seventeenth centuries, to assign such branches of trade as were reckoned peculiarly hazardous, or which were carried on with barbarous nations, to the exclusive management of regulated or joint stock companies. The trade with India is a striking example of this. It was supposed that it could not be safely carried on without the employment of armed ships, and the possession of factories, or fortified *depôts*, in India, where the adventurers and their products might be secure from the hostility of the natives. The trade with Africa, the Levant, and some other uncivilised countries, was supposed to require similar protection. And as most governments had not, in the ages referred to, ships and troops to spare for the defence of their subjects in remote regions, the traders were formed into companies, and were authorised to levy duties, and to provide for their common defence and security. Hence the origin of the Dutch, French, and English East India Companies, and of a host of other establishments of the same kind. But the necessity for these companies, if it ever really existed, which is questionable, ceased long ago, when the states to which

they belonged became sufficiently powerful to protect their subjects in all parts of the world. When this change took place, the different companies should have been abolished; and the trade thrown open to that individual competition without which it never can make any considerable progress. But the private interests of the companies were opposed to any such measure; and succeeded, through their influence with their respective governments, in preserving their monopolies for a lengthened period. Thus the trade between England and all the vast countries to the eastward of the Cape of Good Hope was monopolised by the East India Company till 1814, when private individuals were allowed to trade with India, and all the countries to the west of Malacca; the trade with China, and the other countries to the east of the Straits, being reserved to the Company. But this also was opened in 1834 to public competition, and the last vestige of the old monopoly system effaced from the statute book! At present, therefore, all British subjects are at liberty to trade with all friendly countries, on their conforming to the regulations laid down by such countries, and to our customs' laws.

SECT. II.—*Trade with different Countries.*

Many of the remarks and statements that might have been introduced under this head have been anticipated in the preceding chapter. Subjoined to the notices of those manufactures of which any considerable portion is exported, such as cotton, woollen, linen, hardware, &c., are accounts of the quantity and value thereof exported in different years, specifying the countries to which the exports were made, and the quantity and value of the different articles sent to each. Some of these articles also contain accounts of the foreign sources whence the raw material, used wholly or partly in some of our principal manufactures, has been derived, &c. The following remarks and tables will, therefore, be in some measure supplementary only to those now referred to; a circumstance which must be kept in view by the reader of this chapter.

Trade with Ireland.—Exclusive of the coasting trade carried on between different ports of Great Britain, there is a very extensive coasting, or cross channel trade, carried on between Great Britain and Ireland. With the exception of linens, almost all the manufactured articles made use of in Ireland are imported from Great Britain; as is by far the largest part of the tea, sugar, wine, and other foreign articles required for her consumption. In return she sends to us, exclusive of linens, large quantities of corn, flour, and meal, live cattle and pigs, barrelled beef and pork, butter, lard, &c. There are no means, however, for determining the exact amount of this trade, no accounts having been kept of the quantity or value of the articles passing between the two countries since 1825, with the exception of the corn brought from Ireland into Great Britain. The latter, including flour and meal, amounts to from 2,500,000 to 3,000,000 quarters. Subjoined is an

Account of the Quantity of the various Articles exported from Ireland during the Years 1801, 1805, 1809, 1813, 1817, 1821, and 1825, exhibiting the respective official Values of the Exports to Great Britain and to Foreign Parts.

Articles being the Produce or Manufactures of the United Kingdom.	1801.	1805.	1809.	1813.	1817.	1821.	1825.
To all Parts.							
Corn and meal, viz. —							
Barley - - qrs.	- -	17,223	26,588	194,193	39,114	78,228	154,822
Oats - - —	129	223,234	828,458	808,329	646,036	1,159,824	1,503,204
Wheat - - —	- -	82,815	85,599	201,273	57,280	476,940	283,340
Other grain - - —	1	5,302	3,023	5,934	2,011	7,897	23,832
Wheat flour - cwt.	203	22,774	18,087	267,894	34,517	295,635	394,507
Oatmeal, &c. - —	2,524	34,297	90,948	108,547	34,863	66,063	204,617
Cattle and live stock —							
Cows and oxen - No.	31,664	21,941	18,335	49,592	45,322	26,759	63,524
Sheep - - —	2,891	10,988	7,596	7,690	29,478	25,354	72,191
Swine - - —	1,968	6,383	4,712	14,521	24,418	104,556	65,919
Horses - - —	818	4,186	3,451	4,001	879	2,503	3,140
Bacon and hams - cwt.	21,161	95,073	167,122	234,606	191,025	366,209	262,278
Beef and pork - barrels	160,840	222,098	262,744	281,503	262,605	219,165	181,276
Butter - - cwt.	304,666	294,415	385,953	461,514	397,965	472,944	474,161
Lard - - —	2,049	6,363	16,282	20,136	17,181	28,489	35,261
Soap and candles - —	15,557	17,713	30,810	46,615	25,381	18,454	14,791
Flax, undressed -	1,639	278	6,507	69,191	44,239	68,791	54,898
Spirits, Irish - Imp. gals.	178,602	819,970	60,437	113,316	37,884	326,491	629,529
Cotton manufactures,—entered by the yard - yds.	1,256	8,956	34,998	99,141	549,261	921,971	10,567,458
— of other descriptions value £	4,824	3,281	31,923	58,074	26,250	6,564	301
Linen manufactures, yards	37,911,602	43,683,533	37,166,399	39,023,087	56,230,575	49,531,139	55,114,515
— yarn - - lbs.	2,631,132	792,400	1,534,512	2,141,776	1,571,444	1,150,464	391,489
Other articles of the produce or manufactures of the United Kingdom value £	192,259	211,184	302,843	280,999	434,125	334,323	466,390
Aggregate official value of the produce and manufactures of the United Kingdom, exported from Ireland to *all* parts - - £	3,778,145	4,670,647	4,992,840	6,297,264	6,447,424	7,705,070	9,101,956
Aggregate official value of the produce and manufactures of the United Kingdom, exported from Ireland to *foreign* parts - - £	426,076	469,569	625,415	1,132,781	877,959	637,818	697,667
Aggregate official value of the produce and manufactures of the United Kingdom, exported from Ireland to *Great Britain* - - £	3,352,069	4,201,078	4,367,423	5,164,483	5,569,463	7,067,252	8,404,289

The inconsiderable amount of the trade of Ireland with all places except Great Britain, is seen from this table, and will be farther evinced afterwards.

It is quite impossible to form any estimate either of the quantity or value of most articles carried coastwise from port to port in Great Britain. The conveyance of coal from the Tyne, the Wear, and the Tees to the metropolis, and other towns in the southern counties, forms an important branch of the coasting trade.

Trade with Foreign Countries.

1. *Trade with Russia.* — This trade, which is of very considerable importance, took its rise in the reign of Elizabeth. Archangel, discovered in 1554, by Richard Chancellour, who accompanied the famous Sir Hugh Willoughby in his unfortunate voyage to the

north, continued till the reign of Peter the Great to be the only Russian port accessible to foreigners. But, since its foundation, Petersburgh has engrossed by far the largest portion of the foreign trade of the empire. The principal articles of import into Great Britain from Russia are tallow, corn, flax and hemp, flax and linseed, timber, bristles, ashes, hides, iron, and wax. Cotton-twist constitutes more than three-fourths of the entire value of all the articles of British produce sent to Russia. The rest chiefly consist of woollen manufactures, salt, coal, hardware, lead and shot, tin, &c. We also supply her with considerable quantities of coffee, indigo, spices, and other foreign and colonial articles. Owing to the great bulk of most of the articles brought from Russia, the trade employs a considerable amount of shipping. In 1832, no fewer than 1294 British vessels entered the different ports of Russia, of which 581 entered Petersburgh.

2. *Sweden and Norway.* — The trade with these two countries is comparatively unimportant. The imports principally consist of timber, iron, and bark. They would be much larger, but for the heavy duty imposed on timber from the north of Europe above that imposed on timber from Canada. The influence of this discriminating duty is most pernicious. It not only occasions an artificial increase in the price of timber, but it leads to the substitution of an inferior for a superior article. Previously to 1810, when this distinction was unknown, the exports to Sweden and Norway were much larger. The exports principally consist of cottons and cotton-twist, woollens, earthenware, hardware, coffee, indigo, tobacco, spices, sugar, &c.

3. *Denmark.* — The imports consist almost wholly of corn and rape-seed, with small quantities of butter, bristles, wool, hides, and bark. The principal exports are coal, salt, iron and steel, earthenware, machinery, coffee, indigo, &c.

4. *Prussia.* — The direct trade to Prussia is not very considerable; but we carry on a large indirect trade with her through Hamburgh, the exports and imports being included under the head of Germany. The trade to Prussia, and, indeed, to the whole north of Europe, has been materially injured by the discriminating duties on foreign timber. Dantzic is the greatest port, not in Prussia only, but in the world, for the exportation of corn, particularly wheat of the very finest quality. The timber of Dantzic and Memel is also excellent. Besides corn, of which we fetch, in bad years, a larger supply from Prussia than from any other country, the direct imports consist principally of oak and fir timber, with small quantities of bark, bristles, wool, spelter, flax, &c. With the exception of refined sugar and salt, the British produce directly exported to Prussia is inconsiderable. But, exclusive of colonial products, we supply her, through Hamburgh, with large quantities of cottons, hardware, earthenware, &c.

5. *Germany.* — The trade to Germany, which is principally carried on through Hamburgh and Bremen, is of great extent and importance. Since the introduction of merino sheep into Saxony in the latter part of last century, German wool has been so much improved, that it is now decidedly superior to that of Spain, and forms one of the leading articles of import into this country. Germany also supplies us with large quantities of corn, and with wine, butter, linens, hides, clover

and rape-seed, smaltz, spelter, and zaffre, furs (particularly fitch), wooden clocks, and other inferior articles. The exports principally consist of cotton-stuffs and twist, woollens, refined sugar, hardware, earthenware, iron and steel, coal, salt, &c. The Germans are extensive importers of colonial produce. They are our largest customers for indigo, coffee, rum, tobacco, and cotton-wool. They also take from us considerable quantities of spices, &c.

Within the last few years, Prussia has prevailed on by far the greater number of the secondary and smaller German states to enter into a commercial league, by adopting a uniform tariff of duties on imports, and establishing a free system of internal commerce. Previously to the adoption of this plan, each petty state had its own custom-houses, and its own system of duties and revenue laws: these frequently differed widely from those of its neighbours, so that the internal trade of the country was subjected to all the vexatious restrictions that are usually laid on the intercourse between distant and independent states, and was, in consequence, comparatively trifling. But these restraints are now entirely got rid of. Internal custom-houses, and separate custom duties, no longer exist. Each state gets a fair proportion of the duties, collected at the frontier of the territories of the league; and a commodity admitted at any one of the external custom-houses may be subsequently conveyed, without let or hinderance, from Hamburgh to Konigsberg, and from Stettin and Dantzic to the frontiers of the Tyrol. It has been supposed by many, that this system threatened to be very injurious to our commerce with Germany; but there seems to be no good ground for any such apprehension. The freedom of internal commerce will do more to promote the prosperity of the countries included within the league, than any other measure their rulers could have adopted; and, as population increases, and the inhabitants become more wealthy, there will, no doubt, be an augmented demand for foreign products. Generally speaking, the duties are moderate; and if any attempt were made to raise them to an exorbitant height, the facilities for smuggling along the frontiers of the league are so very great, that they could not be collected.

6. *Netherlands.* — Under this head we include the trade with Holland and Belgium. The imports are butter, cheese, corn, madder, geneva, flax and tow, hides, linens, seeds, toys, &c. The exports are principally cotton-stuffs and twist, woollens, hardware, earthenware, salt, coal, &c. We also supply them with a good deal of coffee, cocoa, indigo, and tobacco.

7. *France.* — In consequence of the violent animosities that so long unhappily subsisted between England and France, the trade between these two great countries has been confined within very narrow limits. Each was jealous of the other's prosperity; and laboured to depress the trade of its neighbour, though in doing so it might inflict a more serious injury on its own subjects. But the folly of this conduct has at length become apparent, and sounder principles are beginning to prevail. The high discriminating duty on French wines, imposed soon after the revolution of 1688, has been repealed; and the British markets have also been opened to French silks. These concessions have been met in France with a corresponding

spirit; so that there is now a reasonable prospect that the trade between the two countries will be allowed to grow up to its natural level. Nothing would do more to bring about this desirable result, than an adequate reduction of the exorbitant duty we have imposed on foreign brandy, and the assessment of the duty on wine on an *ad valorem* principle.

The principal imports from France are brandy, wine, silk (raw and manufactured), gloves, madder, eggs, skins, and fruit. The exports are wool, linens, and linen yarn, the export of which has rapidly increased within the last three or four years, brass and copper manufactures,machinery, coal, horses, &c. But, owing to the oppressive duties in both countries, a large proportion of the trade between them is carried on clandestinely, or is in the hands of the smuggler. About 600,000 or 700,000 gallons of brandy are believed to be imported in this way into Great Britain, beyond what appears in the books of the custom-house. Large quantities of Nottingham lace are smuggled into France.

8. *Portugal and Spain.* — The chief articles of import from the Peninsula are port and sherry, wines which have long had the ascendancy in the English market. We also import considerable quantities of barilla, wool (though less now than formerly), raisins and other dry fruits, lemons and oranges, olive-oil, quicksilver, &c. On some recent occasions, Spain has supplied us with considerable quantities of corn. The principal exports are cotton-stuffs, woollens, linens, hardware and cutlery, iron and steel, soap and candles, leather, &c. Spain is our largest customer for cinnamon.

9. *Italy.* — The trade with Italy has increased greatly within these few years, and is now of much value and importance. Italian thrown-silk is of the finest quality, and forms a considerable item in our imports; but we receive it mostly at second-hand through France. Besides silk, we import a very large quantity of olive-oil, with straw-hats, straw plait, and straw to be made into plait, — the imports of hats having materially declined of late years, while those of plait and straw have been greatly augmented. We also import wheat (chiefly at second-hand from the Black Sea), currants, lemons and oranges, wine, barilla, shumac, bark, cheese, lamb skins, hemp, and various minor articles. Our exports are pricipally cotton-stuffs and twist (for which Italy is about our very best market), refined sugar, woollen manufactures, hardware and cutlery, iron and steel, &c. She also takes off large quantities of coffee, indigo, tobacco, pimento, &c.

10. *Turkey, Greece, &c.* — The principal imports are silk, opium, madder, figs, raisins, valonea, oil, cotton, currants, senna, &c. The exports are cotton manufactures and twist in large quantities, with a small supply of linens, hardware, iron and steel, cordage, woollens, earthenware, &c. The exports of indigo and coffee are considerable.

11. *Africa.* — The trade to Africa, with the exception of that to the British possessions and Egypt, is quite inconsiderable. The principal imports from Egypt are cotton-wool, flax and linseed, senna and other drugs. The exports are cotton manufactures, iron and steel, arms and ammunition, machinery, &c. The colonial and other foreign products sent to Egypt are not worth notice.

12. *Foreign West Indies.* — The trade with the foreign West

Indies is of very considerable importance. It is principally carried on with Cuba, Hayti, and St. Thomas. The imports principally consist of sugar, coffee, cotton, cigars, &c. The exports are cotton manufactures, earthenware, linen manufactures, hardware, iron and steel, woollens, glass, machinery, &c.

13. *United States.* — The identity of language, and the prevalence of similar customs and habits, would necessarily occasion a considerable intercourse between Great Britain and the United States. This, however, has been materially promoted by the peculiar circumstances under which the latter have been placed. Occupying a country of vast extent and great natural fertility, most part of which is still a wilderness, agriculture was, of course, the most profitable employment in which the citizens of the United States could engage; and there being no country that could supply them with most descriptions of manufactured goods so cheaply as Great Britain, we have continued, since the peace of 1784, to maintain the same ascendancy in their markets that we enjoyed while they were our colonists. The American legislature has, indeed, endeavoured, by dint of prohibitions and bounties, to raise up a manufacturing interest. But, as might have been foreseen, the attempt has proved eminently unsuccessful; and has been productive, not only of great national loss, but of so much dissatisfaction that, unless the legislature had given way and modified the tariff, the integrity of the Union would, most likely, have been compromised.

Tobacco was, at one time, the principal article of export from the United States; but, since Mr. Whitney invented his machine for separating cotton wool from the pod (see vol. i. p. 650.), the increase in the growth of cotton has been rapid beyond all precedent, and it now forms by far the most important article of export from America. Tobacco is still, however, a very valuable article; and we fetch from the United States more than nine-tenths of all that is consumed in this country. The other articles of import are wheat-flour and wheat, rice, skins and furs, hides, staves, &c. Our exports of cotton, linen, and woollen manufactures to the United States are very large. We also supply them with hardware and cutlery, earthenware (of which they are very extensive buyers), and with salt, brass and copper, apparel, books, &c.

14. *South American States.* — With the exception of Brazil, most of these countries have been for a long series of years in a very unsettled state. The most violent party animosities have existed; and industry of all sorts has been much depressed. But symptoms of a better order of things are beginning to disclose themselves; and were liberal governments established on any thing like a solid basis, the resources of the countries are so very great, that there can be little doubt they would speedily become the seats of industry and of an extensive commerce. Our trade with Brazil is at present of as much importance as that of all the rest of these states. Next to it is our trade with Mexico, La Plata, Chili, &c. The principal articles of import are cotton wool, sugar and coffee, bullion and precious stones, cocoa, hides, fruits, bark, dye-woods, furs, &c. Our principal exports are cottons, linens, and woollens. We also send them earthenware, hardware, soap, and candles, and a variety of subordinate articles.

Trade with Colonies and Dependencies, including the Trade with China.

1. *Colonies in Africa.* — Of these the Cape of Good Hope is the most important. It is more valuable, however, from its position in reference to our Indian Empire, than from its commerce, which is of comparatively little value. The principal imports are wine (which, with the exception of Constantia, is for the most part very inferior), hides, ivory, skins, aloes, &c. The exports consist chiefly of cotton, woollen, and linen manufactures, apparel, earthenware, hardware, iron and steel, soap and candles, stationery, &c.

Sierra Leone, on the western coast of Africa, was founded principally in the view of promoting the civilisation of the negroes; but it has cost vast sums, without in any respect answering the views of its projectors. The principal article of import from Western Africa is palm oil; we also import ivory, teak timber, wax, hides, dye-woods, &c. The exports are cotton goods, guns and pistols, hardware, salt, soap and candles, &c.

Mauritius is now become quite a sugar island; and is placed, in all respects, under the same regulations as the islands in the West Indies. Sugar has become almost the exclusive production of the colony, and is, consequently, almost the only article of import. We send to it cotton goods, linens, iron and steel, machinery, apparel, &c.

2. *Asia.* — The trade to China has been mixed up in the official statements with the trade to Hindostan. Of the imports from the former, tea is by far the most important; having become almost a necessary of life in England. Indigo is the most important article brought from India; aud next to it are cotton, sugar, silk, coffee, pepper, saltpetre, piece-goods, rice, lac-dye, &c. The imports from Ceylon are principally cinnamon, cocoa-nut oil, ivory, &c. We bring tin and pepper from the eastern islands; and mace and cloves at second-hand from Amboyna. Wool is the great article of import from New South Wales and Van Dieman's Land.

Previously to 1814, we hardly exported any cottons to the east; our imports of piece-goods being at the same time considerable. But at this epoch the trade to Hindostan was opened to private adventurers; and, while the imports of piece-goods have been since either stationary or declining, there has been a most extraordinary increase in the exports of cotton goods to India, — so much so, that that country is now one of our very best markets for cotton stuffs and twist. The other articles of export are woollens, linens, earthenware, copper, hardware, iron and steel, leather, glass, machinery, &c. The precious metals were, for a lengthened period, one of the most profitable articles of export to the East; but within these few years the tide has begun to set in the opposite direction, and large quantities have been imported.

3. *American Colonies.* — The settlements on the inhospitable shores of Hudson's Bay furnish a considerable supply of furs; and Newfoundland is famous for its fish. Our trade with Canada, Nova Scotia, &c. is very extensive; but this is, in a considerable degree, to be ascribed to the heavy discriminating duty on timber from the north of Europe, which forces the importation of a dearer and a worse

article from Canada. The other imports are wheat, ashes, furs, skins, turpentine, &c. The exports are principally woollens, cottons, and linens, hardware, iron and steel, soap and candles, earthenware, apparel, glass, cordage, coal, butter and cheese, &c.

4. *West Indian Colonies.* — Sugar forms the grand article of import from these colonies, and in value and importance is second to none brought into the kingdom. Next to it is coffee; and then follow rum, cotton, pimento, molasses, mahogany, logwood, fustic, cocoa, cochineal, ginger, hides, &c. The exports are principally cotton-stuffs, linens, woollens, apparel, soap and candles, hardware, iron and steel, fish, earthenware, cordage, beef and pork, arms and ammunition, &c.

Duties on Imports and Exports.

With the exception of coal, all other articles may be exported free, or on paying one half per cent. on their declared value. The duties on imports are of far greater importance. They have been imposed partly, and principally, in the view of raising a revenue, and, as such, will come under our notice in a subsequent part of this work. They have partly, however, been intended to protect or promote some native employment or department of industry. Recently, indeed, the duties imposed in this view, have been materially modified; and it is to be hoped that, in no long time, they will entirely disappear. To whatever extent we hinder, either by oppressive duties or otherwise, the importation of any particular species of foreign produce, we hinder at the same time, and by the same act the exportation: and consequently, also, the production of an equivalent amount of British produce. We may confer, by a proceeding of this sort, a trifling advantage on a particular class; but it is obvious that what is gained by them must be made at the expense of some other class, whose business, from its being naturally adapted to the country, is sure to be the most profitable. It is a contradiction, and an absurdity, to pretend that the wealth of any people can be increased by such means. But, notwithstanding the justice and expediency of allowing every one to pursue his own interest in his own way had been unanswerably demonstrated by Dr. Smith and others more than half a century ago; such is the strength of prejudice, that it is only recently that statesmen and merchants have been impressed with a conviction of its truth. The British nation has had the honour of being the first to renounce the selfish and shallow policy of monopoly. And the extension of our trade, and the influence which our example has already had in France, the United States, &c., has completely verified the anticipations of those who contended that, by adopting a liberal commercial system, we should not only secure for ourselves a great immediate advantage, but would induce other states to abandon their prohibitions, and to trade with us on a liberal footing.

Of the still existing restrictions on our trade, those on the importation of foreign corn are the most important. It is not prohibited, but the duties are made to vary inversely as the price; falling when the price rises, and rising when the price falls. Thus, when the price of wheat is 62*s.* and under 63*s.* a quarter, the duty on wheat imported for home consumption is 24*s.* 8*d.* The duty then diminishes by 1*s.* a

quarter, according as the price rises 1*s.* till it is at 67*s.* and under 68*s.*, when the duty is 18*s.* 8*d.* a quarter. When the price is 68*s.* and under 69*s.*, the duty is 16*s.* 8*d.*; the next rise of 1*s.* in the price reduces the duty to 13*s.* 8*d.*, and the next again to 10*s.* 8*d.* When the price is at or above 73*s.* the duty is 1*s.* The duties on oats, barley, &c. are imposed on the same principle.

Owing to the comparative density of our population, we have, until recently, been unable to raise sufficient supplies of corn at the price at which it may be obtained from other countries. Hence the duty, by excluding foreign corn except when the prices are comparatively high, tends to keep up the price of corn in scarce years, and in those in which the crop does not exceed an average. But, by doing this, it renders exportation in favourable years, or when the crops are unusually abundant, impossible without a considerable fall of price. In point of fact, therefore, the duty is really injurious both to the agriculturist and the other classes; to the latter, because of the obstacles it throws in the way of importation in scarce years; and to the former, because of its hindering exportation when the home crops exceed an average. The mode, too, in which the duties are imposed adds materially to the great risk naturally inherent in the corn trade. Were the duties constant, a fall of price would be the only danger to which the importing merchant would be exposed; whereas, if he import, under the present system, he is not only exposed to loss by that fall but by the more than corresponding rise that at the same time takes place in the duty.

It is impossible to defend duties on the importation of corn, except on the ground that they are imposed to balance an *excess* of duties laid on the agricultural class over those laid on the other classes. It is denied by some that the agriculturists are really more heavily taxed than manufacturers or merchants, and, consequently, that they have any claim to any peculiar protection. But, were this the proper place for entering upon such an investigation, it might be shown, without much difficulty, that the agriculturists are really more heavily taxed, and that they are, on this ground, justly entitled to demand that a duty of 6*s.* or 7*s.* a quarter should be laid upon foreign wheat when imported, and on other grain in proportion. But if they be entitled to a duty, on the principle now laid down, they must also be entitled to a drawback on exportation. And hence, as it appears to us, the proper plan would be to repeal the existing duties on importation, substituting in their stead a fixed duty equivalent to the excess of the duties affecting the agriculturists, with a corresponding drawback. This would give the agriculturists that degree of protection to which they are entitled, and no more; and it would enable them to export, in abundant years, without suffering a previous fall of price.

A vast deal of exaggeration has been indulged in by most writers on the subject of the corn laws. That they have been, and still are, injurious, no dispassionate inquirer can doubt; but they have not been so in the degree that many suppose; and, owing to the extraordinary improvements that have recently been made in agriculture, the practical influence of the corn laws has, in ordinary years, been nearly nullified, and prices for the four or five years ending with 1837 did not differ materially from what they would have been had the ports been opened under the regulations suggested above.

TABLES.

I. *Official* and *Declared* Value of Exports of British and Irish Produce and Manufactures; and *Official* Value of Exports of Foreign and Colonial Merchandise from Great Britain; and *Official* Value of Imports into the same, for the following Years. —(*Parl. Paper*, No. 243. Sess. 1830, and *Finance Accounts.*)

Years ending the 5th of January.	Exports.			Imports.
	British and Irish Produce and Manufactures from Great Britain		Foreign and Colonial Merchandise from Great Britain.	Into Great Britain.
	Official Value. £	*Declared Value.* £	*Official Value.* £	*Official Value.* £
1799	18,556,891	31,252,836	8,760,196	25,122,203
1800	22,284,941	35,903,850	7,271,696	24,066,700
1801	22,831,936	36,929,007	11,549,681	28,257,781
1802	24,501,608	39,730,659	10,336,966	30,435,268
1803	25,195,893	45,102,230	12,677,431	28,308,373
1804	20,042,596	36,127,787	8,032,643	25,104,541
1805	22,132,367	37,135,746	8,938,741	26,454,281
1806	22,907,371	37,234,396	7,643,120	27,334,020
1807	25,266,546	39,746,581	7,717,555	25,554,478
1808	22,963,772	36,394,443	7,624,312	25,326,845
1809	24,179,854	36,306,385	5,776,775	25,660,953
1810	32,916,858	46,049,777	12,750,358	30,170,292
1811	33,299,408	47,000,926	9,357,435	37,613,294
1812	21,723,532	30,850,618	6,117,720	25,240,904
1813	28,447,912	39,334,526	9,533,065	24,923,922
1814	*	*	*	*
1815	32,200,580	43,447,373	19,157,818	32,620,771
1816	41,712,002	49,653,245	15,708,435	31,822,053
1817	34,774,521	40,328,940	13,441,665	26,374,921
1818	39,233,467	40,349,235	10,269,271	29,910,502
1819	41,960,555	45,180,150	10,835,800	35,845,340
1820	32,983,689	34,252,251	9,879,236	29,681,640
1821	37,820,293	35,569,077	10,525,026	31,515,222
1822	40,194,681	35,823,127	10,602,090	29,769,122
1823	43,558,488	36,176,897	9,211,928	29,432,376
1824	43,166,039	34,589,410	8,588,996	34,591,264
1825	48,024,952	37,600,021	10,188,596	36,056,551
1826	46,453,022	38,077,330	9,155,305	42,660,954
1827	40,332,854	30,847,528	10,066,503	36,174,350
1828	51,279,102	36,394,817	9,806,343	43,489,346
1829	52,019,728	36,150,379	9,928,655	43,536,187
1830	55,465,723	35,212,873	10,606,441	42,311,649
1831	60,492,637	37,691,302	8,535,786	44,815,397
1832	60,090,123	36,652,694	10,729,943	48,161,661
1833	64,582,037	36,046,027	11,036,769	43,287,417
1834	69,653,854	39,305,513	9,820,586	44,529,287
1835	73,495,536	41,286,594	11,549,913	47,908,931†
1836	77,932,616	46,926,370	12,783,802	47,463,610
1837	84,883,276	53,015,431	12 384,538	55,733,419
1838	72,312,207	41,911,898	13,223,331	53,224,874

* Records destroyed by fire.

† The great increase in the *official*, and the comparatively stationary amount of the *real*, value of the exports, has occasioned a great deal of erroneous discussion. The rates by which the official values of the exports are estimated were fixed in 1696, so that they have long ceased to be any test of their actual value, and are of use only as showing the fluctuations in the *quantities* exported. To supply this deficiency a plan was set on foot by Mr. Pitt, for keeping an account of the real value of the exports from the declarations of the exporters. Now, it has been contended, that, while the great increase in the official value of the exports since 1815 shows that the quantity of the articles exported has been proportionally augmented, their nearly stationary real value shows that we are selling this larger quantity for about the same price, — a result which is said to be most injurious. But the circumstance of a manufacturer or a merchant selling a large or a small quantity of produce at the same price, affords no criterion of the advantageousness of the sale; for if, through improvements in the arts or otherwise, a particular article may now be produced for half the cost of its production 10 or 20 years ago, it is obvious that double the quantity may be afforded at the same price without injury to the producers. And this has been most strikingly the case with the great articles of cotton, hardware, &c. The fall in the price of the former enables us to export and sell with a profit (for, unless such were the case, does any one suppose the exportation would continue?), at the same price, more than double the cotton stuffs and twist that we exported in 1815! Surely, however, this is, if any thing can be, a decisive proof of manufacturing improvement and commercial prosperity. — (See *antè*, p. 73. &c.)

II. Description and Value of the Produce and Manufactures of the United Kingdom exported from Great Britain to Foreign Parts, according to the Real or Declared Value thereof, in 1836, 1837, and 1838.

Species of Exports.	1836.	1837.	1838.
GREAT BRITAIN.	£	£	£
Alum	1,359	3,898	2,761
Apparel, Slops, and Negro Clothing	494,861	604,863	533,301
Arms and Ammunition	407,490	411,286	289,142
Bacon and Hams	27,573	42,319	35,840
Beef and Pork, salted	104,782	136,898	119,117
Beer and Ale	225,641	264,560	268,235
Books, printed	148,098	178,034	147,430
Brass and Copper Manufactures	1,093,949	1,072,002	1,166,082
Bread and Biscuit	5,405	8,184	9,991
Butter and Cheese	178,657	205,858	179,073
Cabinet and Upholstery Wares	51,003	75,511	67,357
Coals and Culm	242,746	329,760	428,690
Cordage	79,541	84,475	73,231
Corn, Grain, Meal, and Flour	25,109	31,297	34,781
Cotton Manufactures	16,393,170	18,482,586	18,632,146
— Yarn	5,706,563	6,120,326	6,955,936
Cows and Oxen	1,445	3,072	6,107
Earthenware of all sorts	539,990	837,493	563,082
Fish of all sorts	217,652	185,433	185,120
Glass of all sorts	636,928	551,599	475,995
Haberdashery and Millinery	516,775	681,980	414,687
Hardwares and Cutlery	1 831,766	2,270,630	1,460,404
Hats, Beaver and Felt	135,048	147,907	104,600
— of all other sorts	27,437	41,753	46,290
Hops	16,616	11,788	10,547
Horses	99,465	98,302	75,215
Iron and Steel, wrought and unwrought	1,640 939	2,340,207	2,003,708
Lard	11,881	26,585	14,782
Lead and Shot	195,096	224,931	155,210
Leather, wrought and unwrought	278,978	316,322	250,308
— Saddlery and Harness	73,348	93,388	87,037
Linen Manufactures	2,838,050	3,249,053	2,109,897
— Yarn	216,635	315,608	415,726
Machinery and Mill-work	307,316	300,852	493,298
Mathematical and Optical Instruments	25,004	25,030	27,259
Mules	1,762	5,366	5,104
Musical Instruments	60,810	76,120	71,618
Oil, Train, of Greenland Fishery	39,074	5,836	5,700
Painters' Colours	169,861	210,811	151,307
Plate, Plate Ware, Jewellery and Watches	231,900	338,869	257,726
Potatoes	5,954	4,915	7,030
Salt	142,412	171,463	190,444
Saltpetre, British refined	20,284	14,411	19,393
Seeds of all sorts	8,549	8,920	7,466
Silk Manufactures	973,479	916,777	503,653
Soap and Candles	248,803	276,222	230,835
Spirits	16,866	24,297	10,485
Stationery of all sorts	257,877	297,945	197,489
Sugar, refined	851,745	697,920	602,377
Tin, unwrought	32,290	61,847	74,657
— and Pewter Wares and Tin Plates	381,068	387,528	371,518
Tobacco (manufactured) and Snuff	13,594	12,654	13,124
Tongues	2,422	3,599	3,744
Umbrellas and Parasols	45,462	62,336	39,464
Whalebone	12,960	10,550	6,347
Wool, Sheep's	387,834	323,549	185,350
of other sorts	45,080	39,967	10,076
Woollen and Worsted Yarn	309,091	358,690	337,140
Woollen Manufactures	6,836,735	7,636,117	4,654,397
All other Articles	1,034,142	1,293,932	1,113,069
Total real or declared Value of the Prod. and Manufac. of the U. K. exported from G. Britain to Foreign Parts £	46,926,370	53,015,431	41,911,898
Ireland, Total Exports from £	445,900	353,141	363,040
Total from the United Kingdom £	47,372,270	53,368,572	42,274,938

III. Account of the Real or Declared Value of the various Articles of the Manufacture and Produce of the United Kingdom, exported to Foreign Countries during each of the Eight Years ending with 1836; specifying their Value, the Countries to which exported, and the Value of those annually shipped for each. —(*Papers published by Board of Trade*, Part vi. p. 102.)

Countries.	1829.	1830.	1831.	1832.	1833.	1834.	1835.	1836.
	L.	L.	L.	L.	L.	L.	L.	L.
Russia	1,425,805	1,489,538	1,191,565	1,587,250	1,531,002	1,382,300	1,752,775	1,742,433
Sweden	38,252	40,488	57,127	64,932	59,549	63,094	105,156	113,308
Norway	64,234	63,926	58,580	34,528	55,038	61,988	79,278	79,469
Denmark	95,247	118,813	92,294	93,396	99,951	94,595	107,979	91,302
Prussia	189,011	177,923	192,816	258,556	144,179	136,423	188,273	160,722
Germany	4,473,555	4,463,605	5,642,952	5,068,997	4,355,548	4,547,166	4,602,966	4,463,729
Holland	2,050,014	2,022,458	2,082,536	2,789,398	2,181,893	2,470,267	2,648,402	2,509,622
Belgium					886,429	750,059	818,487	839,276
France	491,388	475,884	602,688	674,791	848,333	1,116,885	1,453,636	1,591,381
Portugal Proper	1,195,404	1,106,695	975,991	540,792	967,091	1,600,198	1,554,326	1,085,934
— Azores	31,944	25,629	41,638	77,920	54,430	63,275	49,717	55,574
— Madeira	40,285	38,444	38,960	25,038	33,411	38,455	40,082	52,168
Spain and the Balearic Islands	861,675	607,068	597,848	442,926	442,837	325,907	405,065	437,076
— Canaries	50,010	42,620	33,282	21,053	30,507	30,685	24,308	40,370
Gibraltar	504,163	292,760	367,285	461,470	385,460	460,719	602,580	756,411
Italy and the Italian Islands	2,202,030	3,251,379	2,490,376	2,361,772	2,316,260	3,282,777	2,426,171	2,921,466
Malta	224,010	149,135	134,519	96,994	135,438	242,696	136,925	143,015
Ionian Islands	30,465	56,963	50,883	55,725	58,915	94,498	107,804	109,123
Turkey & Continental Greece (exclusive of the Morea)	568,684	1,139,616	888,654	915,319	1,019,604	1,207,941	1,331,669	1,775,034
Morea and Greek Islands		9,694	10,446	10,149	25,914	37,179	28,834	12,003
Syria and Palestine								35,650
Egypt (Ports on the Mediterranean)	59,305	110,227	122,832	113,109	145,647	158,877	269,225	216,930
Tripoli, Barbary, and Morocco		1,138	426	751	2,350	14,825	29,040	29,322
Western Coast of Africa	244,253	252,123	234,768	290,061	329,210	326,483	292,540	467,186
Cape of Good Hope	257,501	330,036	257,343	292,405	346,197	304,382	326,921	482,315
Cape Verd Islands	240	1,710	215		146	530	575	413
St. Helena	45,531	38,915	39,431	21,236	30,041	31,615	31,187	11,041
Isle of Bourbon	16,341	10,042				7,001		
Mauritius	205,558	161,029	148,475	163,191	83,424	149,319	196,559	260,855
Arabia						250	6,049	16,358
East India Company's Territories & Ceylon	3,659,218	3,895,530	3,377,412	3,514,779	3,495,301	2,578,569	3,192,692	4,285,829
China						842,852	1,074,708	1,326,388
Sumatra and Java	255,885	102,102	285,296	156,606	471,712	410,273	353,892	234,852
Philippine Islands	4,721	71,220	39,515	102,284	185,298	76,818	129,743	51,778
New South Wales, Van Diemen's Land, and Swan River	310,681	314,677	398,471	466,238	558,372	716,014	696,345	835,637
New Zealand & South Sea Islands	845	1,396	4,752	1,576	956		2,687	
Ports of Siam		10,467				19,742		
British North American Colonies	1,581,7.3	1,857,133	2,089,397	2,075,725	2,092,550	1,671,069	2,158,158	2,732,291
British West Indies	3,612,085	2,838,448	2,581,949	2,439,808	2,597,589	2,680,024	3,187,540	3,786,433
Hayti	297,709	321,793	376,103	543,104	381,528	357,297	365,798	251,663
Cuba & other Foreign West Indies	672,176	618,029	663,531	633,700	577,228	913,005	787,043	987,122
United S. of America	4,923,415	6,132,346	9,053,583	5,468,272	7,579,699	6,844,989	10,568,455	12,425,605
Mexico	303,562	278,441	728,858	199,821	421,487	459,610	402,820	254,822
Guatemala					15,214	3,700	30,366	764
Columbia	252,703	216,751	248,250	283,568	191,826	199,996	132,942	185,172
Brazil	2,516,040	2,452,103	1,238,371	2,144,903	2,375,680	2,460,679	2,630,767	3,030,532
States of the Rio de la Plata	758,540	632,172	339,870	660,152	515,362	831,564	658,525	697,334
Chili	818,950	540,626	651,617	708,193	816,817	896,221	606,176	861,903
Peru	300,171	368,469	409,003	275,610	387,524	299,235	441,324	606,332
Isles of Guernsey, Jersey, Alderney, and Man	319,996	344,036	324,634	317,496	335,934	360,665	351,612	318,609
Total	35,842,623	38,271,597	37,164,372	36,450,594	39,667,347	41,649,191	47,372,270	53,368,572

IV. Account of the Quantities of the different Articles of Foreign and Colonial Merchandise imported into, exported from, and retained for Consumption in the United Kingdom, with Net Revenue accruing thereon, during the Years ended 5th January, 1836 and 1837.

Description of Merchandise.	Quantities Imported.		Quantities Exported.		Quantities retained for Consumption.		Net Revenue.	
	1835.	1836.	1835.	1836.	1835.	1836.	1835.	1836.
Annotto lbs.	163,421	295,685	6,267	26,671	191,455	233,987	98	106
Arrow Root —	987,966	691,572	29,837	30,270	895,406	618,968	518	341
Ashes, pearl and pot cwt.	134,315	152,955	9,987	19,137	129,961	130,176	1,267	998
Barilla and alkali —	125,068	70,214	5,807	1,680	146,320	97,202	Gross rev. 14,617	9,678
						Drawbacks and repayments	4,833	5,532
							9,784	4,146

Table IV. — *continued.*

Description of Merchandise.	Quantities Imported.		Quantities Exported.		Quantities retained for Consumption.		Net Revenue.	
	1835.	1836.	1835.	1836.	1835.	1836.	1835.	1836.
							£.	£.
Bark, for tanning or dyeing, cwt.	826,566	772,119	2,264	3,345	801,214	784,819	25,719	23,855
— not for tanning or dyeing - - - lbs.	436,078	450,492	237,195	56,328	123,773	117,687	616	541
Borax - - - - —	335,224	392,874	60,539	52,356	285,681	344,220	653	614
Boracic acid - - - —	792,507	1,236,321	36,409	11,532	825,185	1,101,468	1,474	1,945
Brimstone - - - cwt.	614,405	670,378	28,950	25,220	616,774	512,856	15,535	13,923
Bristles - - lbs.	1,625,268	1,928,790	48,486	89,729	1,542,260	1,614,698	22,356	23,467
Cocoa, viz. —								
British plantation - —	439,440	1,613,273	81,238	46,854	1,083,730	1,128,752		
East India - - —	—	—	—	—	—	—		
Foreign plantation - —	1,679,316	1,174,951	2,399,900	285,753	440	1,416		
All sorts - —	2,118,756	2,788,224	2,481,133	332,587	1,084,170	1,130,168	10,692	11,165
Husks and shells - —	273,401	425,648	1,374	16,300	368,222	364,144		
Chocolate and cocoa paste —	2,906	5,928	640	1,798	2,037	2,160		
Coffee, viz. —								
British plantation - —	14,817,046	18,877,912	200,258	108,493	17,606,129	17,532,731		
East India & Mauritius —	7,167,914	9,906,710	2,616,881	3,622,895	5,596,791	7,412,725		
Foreign plantation - —	6,613,533	5,270,215	10,529,398	6,950,370	2,126	2,234		
All sorts - - —	28,398,493	34,054,837	13,346,537	10,681,758	23,205,046	24,947,690	552,124	691,616
Cork, unmanufactured - cwt.	65,275	57,046	246	92	39,788	56,896	23,942	22,775
Cotton wool, from foreign countries, viz. —								
The U. S. of America lbs.	284,455,812	289,615,692						
Brazil - - —	24,986,409	27,501,272						
Turkey, Syria, & Egypt —	5,738,966	5,426,721						
Other foreign countries —	5,207,389	6,734,413						
Total from foreign countries	320,388,576	329,278,098						
Cotton wool, from British possessions, viz. —								
East Indies and Mauritius, the growth of - lbs.	41,474,909	75,746,926						
— — Foreign —		210,961						
British West Indies, the growth of - - —	1,495,517	1,312,806						
— — Foreign —	319,753	401,531						
Other British possessions —	24,208	8,735						
Total from British possessions - - —	43,314,387	77,680,959						
Total from Foreign countries - - —	320,388,576	329,278,098						
Total quantities - —	363,702,963	406,959,057	32,779,734	31,739,763	325,407,692	363,684,232	399,262	430,006
Cotton Manufactures, viz. —								
Piece goods of India - pieces	306,086	384,943	478,027	377,826	50,133	67,577	6,351	8,279
Manufactures at value value	71,796	114,201	29,392	52,091				
Yarn - - lbs.	117,825	199,109	87,548	126,360	76,607	52,339		
Dyeing stuffs, viz. —								
Cochineal - - —	418,320	673,094	352,023	435,534	162,596	167,316	4,097	4,175
Fustic - - - tons	2,931	4,917	1,142	578	8,905	5,807	1,817	1,126
Gum arabic - - cwt.	13,981	21,411	4,545	809	15,309	18,160	4,565	5,467
— Senegal - - —	4,400	16,713	770	635	10,595	11,188	3,175	3,317
— animal and copal - lbs.	551,166	682,155	175,787	333,860	191,364	247,246	535	664
— tragacanth - - —	34,487	100,316	28,592	7,483	30,430	43,511	94	117
Indigo - - - —	4,168,305	7,710,544	4,074,598	3,691,951	2,590,606	2,840,398	33,378	36,356
Lac dye - - - —	528,615	663,675	206,159	200,975	594,483	620,248	1,609	1,717
Logwood - - - tons.	16,744	12,881	3,697	4,385	14,727	12,361	3,065	2,473
Madder - - cwt.	94,102	108,906	822	364	94,100	105,448	9,565	10,712
Madder roots - - —	66,323	85,251	5	3	67,851	84,101	1,697	2,114
Nicaragua wood - - tons.	6,214	6,480	1,811	879	5,830	3,160	992	818
Safflower - - cwt.	6,633	8,946	3,028	2,732	2,930	2,573	155	150
Shumac - - - —	177,832	156,806	407	2,522	176,556	154,002	447	392
Smalts - - - lbs.	118,646	95,920	37,954	49,546	96,649	79,531	1,614	1,332
Valonia - - cwt.	142,082	72,836	41	63	169,513	80,511	8,413	3,927
Yellow berries - - —	5,050	3,123	202	120	6,001	3,199	607	326
Zaffres - - - lbs.	322,562	503,680	336	224	336,824	496,816	151	221
Elephants' teeth - - cwt.	5,205	6,524	1,726	1,283	3,698	4,584	3,859	2,763
Flax and tow, or codilla of hemp and flax - - —	740,814	1,529,116	12,255	16,789	728,143	1,511,428	3,127	6,441
Fruits, viz. —								
Apples, not dried - bushels	11,574	14,859	6	12	11,477	14,747	2,255	2,883
Almonds - - cwt.	16,817	17,370	8,706	8,814	7,170	8,061	7,703	8,101
Chestnuts - - bushels	18,973	14,359	1,541	-	15,387	14,650	1,553	1,472
Currants - - - cwt.	176,093	196,561	22,199	5,738	193,529	175,774	214,587	194,821
Figs - - - —	18,773	12,140	3,630	931	20,862	13,209	15,411	9,927
Lemons & oranges - chests or boxes	321,438	265,864	1,306	1,458	302,145	249,651	63,628	52,226
Grapes - - value	16,765	19,635	5	38	16,760	19,597	865	985
Plums, dried or preserved, cwt.	465	303	2	33	223	269	389	369
— French, and prunelloes - - - —	4,557	4,796	1,174	335	4,677	4,422	4,697	4,458
Prunes - - - —	12,009	10,252	1,214	1,636	12,090	7,265	4,235	2,575
Raisins - - - —	169,366	182,286	29,808	36,496	160,844	156,194	120,520	117,095
Small Nuts - - bushels	136,525	143,851	1,126	1,895	119,253	160,935	11,907	15,703
Walnuts - - - —	27,665	13,138	50	233	28,529	14,539	2,843	1,515
Furs, undressed, viz. —								
Bear - - number	15,041	7,625	11,414	11,331	1,548	2,522	190	390
Beaver - - - —	88,400	57,345	219	2,118	97,542	87,473	1,675	1,598
Cat and lynx - - —	25,364	59,296	11,947	3,246	21,497	58,987	275	439
Coney - - - —	352,420	674,878	10,164	10,762	350,003	665,891	183	336

Table IV. — *continued.*

Description of Merchandise.	Quantities Imported.		Quantities Exported.		Quantities retained for Consumption.		Net Revenue.	
	1835.	1836.	1835.	1836.	1835.	1836.	1835.	1836.
							L.	L.
Ermine - - number	183,978	304,967	2,400	868	156,762	284,484	1,065	3,556
Fitch - - —	47,586	121,280	6,260	- -	50,390	122,741	420	1,023
Fox - - - —	80,271	56,057	59,577	56,047	7,150	18,977	197	542
Marten - - - —	159,954	196,475	17,961	17,668	134,370	197,804	2,625	4,161
Mink - - - —	115,501	113,549	69,396	60,151	60,836	62,467	849	902
Musquash - - —	1,171,589	386,201	221,490	204,749	570,114	784,379	290	395
Nutria - - - —	557,600	1,970,375	23,143	28,568	451,867	1,328,017	235	669
Otter - - - —	18,574	15,820	24,444	18,766	594	952	54	67
Racoon - - - —	297,787	234,423	268,005	273,969	- -	1,525	1	13
Squirrel - - —	1,373,013	2,947,402	87,220	1,089	1,602,732	2,235,725	9,218	12,856
Hardwoods, viz. —								
Bonwood - - tons	997	1,566	42	15	790	1,282	3,946	3,031
Cedar, under eight inches square - - —	2,655	3,053	112	234	1,710	2,793	1,302	1,653
Mahogany - - - —	19,087	26,710	997	1,053	18,171	24,510	44,267	54,516
Rosewoods - - - —	2,473	1,927	89	193	1,416	1,773	14,183	14,920
Hats or bonnets, platting, &c. viz. —								
Hats or bonnets of bast, cane, chip, or horse-hair - - - number	13,547	19,212	5,532	7,054	10,068	12,648	841	1,023
— — straw - -	7,472	14,042	13,117	16,172	2,938	3,437	1,041	1,009
Platting of bast, cane, chip, or horsehair - - lbs.	494	746	394	523	150	318	150	318
— straw - - —	27,483	42,890	7,656	11,846	31,211	29,681	26,512	24,558
Straw or grass for platting, cwt.	3,201	4,503	136	70	3,024	4,483	13	19
Hemp, undressed - - —	687,559	586,052	56,951	38,105	643,122	567,892	2,837	2,482
Hides, untanned, viz. —								
Buffalo, bull, cow, ox, or horse - - - —	350,697	352,061	79,380	37,795	294,184	330,214	43,167	45,769
Hides, or pieces of hides, unenumerated - value	127	303	- -	5	127	298	23	60
Hides, tanned, viz. —								
Buffalo, bull, cow, ox, or horse - - - lbs.	78,676	70,410	28,204	32,305	81,682	63,010	1,041	794
Muscovy, or Russia - number	5,443	16,248 (5 lbs. in pcs.)	- -	10,231	4,892	4,458 (5 lbs. in pcs)	1,223	1,115
Hides, or pieces of hides, unenumerated - value	- -	15	- -	- -	- -	15	- -	5
Horns, horn tips, & pieces of horns - - - cwt.	31,264	30,234	12,979	9,373	27,654	24,986	3,253	1,647
Jalap - - - lbs.	73,908	46,875	8,557	8,493	54,366	46,352	1,360	1,159
Iron, bar - - - tons	19,750	25,034	2,633	4,762	17,572	18,921	26,379	28,438
Isinglass - - - cwt.	1,811	1,949	58	28	1,814	1,735	4,290	4,125
Lead, pig - - - tons	1,276	1,893	1,268	913	8	7	5	14
Leather, gloves - - pairs	1,260,623	1,490,999	38,365	31,405	1,291,265	1,459,363	24,175	27,507
Linen, viz. —								
Cambrics, and bordered handkerchiefs - pieces	45,725	35,030	355	435	45,213	34,589		
Lawns, not French - sq. yards	4,045	1,366	3,867	- -	178	1,366		
Damasks, and damask diaper - - - —	11,377	4,880	5,515	330	6,374	4,198		
Drillings, ticks, and twilled linens - - —	270	2,580	- -	301	652	2,596		
Sail cloth - - - —	9,534	7,240	3,414	15,012	211	- -		
— - - - - - pieces	- -	45	- -	- -	- -	- -		
Sails - - - - value	421	811	6	- -	415	811	19,067	17,650
Plain linen and diaper, sq. yds.	144,455	86,840	145,264	79,691	703	647		
— — ells	522,331	692,033	14,110	84,678	- -	- -		
— — pieces	56,293	44,747	63,310	48,297	- -	- -		
Lawns, not French, plain linen, &c., diaper, and manufactures of linen, unenumerated - - value	12,892	15,036	1,087	2,394	15,668	18,858		
Linen yarn - - cwt.	12,305	5,264	23	- -	12,282	4,358	614	243
Liquorice juice - - —	6,411	7,754	167	515	7,119	7,643	27,327	28,531
Molasses - - - —	520,321	528,206	4,896	1,600	622,479	657,062	279,798	295,645
Oil, castor - - - lbs.	1,109,307	981,585	61,296	68,515	670,205	809,559	776	730
— olive - - - gallons	846,166	2,682,016	283,734	150,561	554,196	1,844,622	9,434	46,511
— cocoa-nut - - cwt.	19,838	26,058	2,238	3,158	14,016	26,002	894	1,654
— palm - - - —	260,151	277,017	30,915	34,379	242,753	234,357	15,230	14,678
— train, spermaceti, and blubber - - tuns	24,197	19,489	8,035	1,365	16,114	18,722	1,204	1,292
Opium - - - lbs.	85,481	130,794	74,126	70,824	31,118	38,943	6,249	4,229
Provisions, viz. —								
Bacon and hams - cwt.	3,554	5,879	2,366	3,882	1,453	1,564	1,992	2,236
Beef, salted - - —	4,095	10,072	1,738	4,909	1,222	2,730	733	1,653
Butter - - - —	146,784	240,738	2,789	1,646	143,149	238,411	143,160	238,306
Cheese - - - —	140,852	211,169	5,670	7,157	134,645	201,910	70,320	105,087
Eggs - - - number	59,954,496	69,082,488	3,600	6,240	59,960,896	69,076,240	20,848	21,991
Fish, anchovies - - lbs.	127,088	157,490	2,468	1,937	129,216	138,392	1,083	1,152
Eels - - - ship loads	69	71	- -	- -	69	71	1,082	1,113
Oysters - - - bushels	5,338	- -	- -	- -	5,338	- -	400	
Of Newfoundland and British America - cwt.	68,337	86,165	5,360	9,916	62,752	76,474		
Pork, salted - - —	3,507	9,462	3,321	8,972	29	474	17	164
Quicksilver - - - lbs.	2,066,907	1,951,202	1,399,236	1,136,821	284,257	284,558	936	1,195
Rags, and other materials for making paper - tons	9,903	11,281	350	18	10,235	11,268	2,592	2,822
Rhubarb - - - lbs.	81,100	122,142	88,182	75,164	44,522	44,468	2,220	2,236
Rice, cleaned from the East Indies & British possessions in Africa and America - cwt.	247,157	182,344	Foreign 209,168	Cleaned. 158,547	98,227	73,706		
			Cleaned in the United Kingdom.					
Rice, cleaned from foreign countries in Europe, Africa, and America - —	2,381	4,482	35,178	23,038				

Table IV. — *Continued.*

Description of Merchandise.	Quantities Imported.		Quantities Exported.		Quantities retained for Consumption.		Net Revenue.	
	1835.	1836.	1835.	1836.	1835.	1836.	1835.	1836.
Rice, in the husk, from the East Indies and British possessions in Africa and America bbls.	42,372	15,110	1,123	920	177,930	205,250	22,987	27,200
Rice, in the husk, from foreign countries in Europe, Africa, and America —	259,949	243,617						
Sago - - cwt.	19,255	24,951	4,320	9,729	11,257	17,193	586	871
Saltpetre and cubic nitre —	264,338	279,902	73,379	38,444	204,589	231,134	5,438	6,046
Seeds, viz. —								
Caraway - - - - —	643	408	578	403	2,190	459	3,149	706
Clover - - - - —	86,974	95,449	1,161	1,018	68,447	78,538	68,125	78,101
Flax and Linseed bushels	2,206,748	3,359,215	21,078	1,371	2,159,498	3,179,097	13,555	19,905
Onion - - - - lbs.	28,543	27,319	5,260	2,032	25,687	30,189	1,905	2,277
Rape - - - bushels	754,834	577,554	3,084	16,212	690,716	558,712	4,317	3,505
Tares - - - - —	107,361	134,206	- -	425	81,605	152,375	4,993	8,890
Skins, viz. —								
Calf and kid untanned, cwt.	51,274	48,330	1,215	255	50,471	49,969	10,336	10,212
— tanned, tawed, curried, or dressed - lbs.	23,149	37,803	614	9,654	11,560	38,540	614	1,563
Deer, undressed number	288,687	315,416	184,254	155,548	95,617	171,431	454	712
Goat - - - - —	507,370	415,756	153,122	56,963	384,452	383,544	882	826
Kid, in the hair - - —	253,289	196,325	85,280	28,327	166,990	153,210	42	29
— dressed - - —	791,462	590,619	900	150	790,538	590,469	3,950	2,960
Lamb, undressed —	2,257,273	2,784,841	3,892	15,941	2,287,046	2,692,724	382	452
— tanned, tawed, or dressed - - -	97,325	44,928	9,550	9,451	84,804	44,388	418	223
Seal, undressed - -	339,683	147,539	22,192	28,725	318,294	113,744	220	486
Sheep - - - -	403,009	454,756	20,311	8,654	442,091	435,459	1,859	1,800
Spelter - - - cwts.	141,969	178,628	69,273	100,045	52,604	47,406	6,526	5,948
Spices, viz. —								
Cassia lignea - - - lbs.	1,966,503	837,413	1,432,035	633,083	98,313	89,396	2,339	2,242
Cinnamon - - - —	445,367	616,747	413,138	421,497	16,604	17,038	432	428
Cloves - - - - —	124,924	25,885	301,554	126,323	93,246	117,159	9,321	5,315
Ginger - - - - cwt.	12,955	26,217	3,536	5,345	10,514	9,676	5,887	5,452
Mace - - - - lbs.	20,641	84,255	17,210	25,322	18,675	22,531	3,288	3,265
Nutmegs - - - —	435,047	355,456	194,997	180,338	129,880	115,768	17,093	15,029
Pepper - - - —	3,345,277	7,724,932	1,246,482	4,151,569	2,559,573	2,794,491	117,995	99,134
Pimento - - - —	2,536,353	3,269,238	2,462,485	2,337,982	344,458	400,914	7,178	6,359
Spirits, viz. —								
Rum - - - gallons	5,546,170	4,993,942	1,678,374	1,279,845	3,416,966	3,324,749	1,537,694	1,496,156
Brandy - - - - —	2,105,755	2,125,167	1,117,253	822,919	1,314,943	1,257,855	1,476,511	1,413,774
Geneva - - - - —	277,141	367,426	280,768	351,301	19,648	19,981	22,157	22,497
Foreign and colonial of other sorts - - —	57,651	144,872	25,779	94,491	14,149	14,437	10,997	11,484
Ditto, mixed, in Bond —	- -	- -	29,732	135,668				
Sugar, viz. —								
West India of British possessions - - cwt.	3,523,948	3,600,517	Raw. 371,230	Raw. 278,098	3,856,562	3,488,399	4,667,900	4,184,165
East India and Mauritius —	771,883	720,997	Refined actual weight.					
Foreign - - - - —	152,436	327,647	349,371	248,544				
Tallow - - - - - —	1,043,084	1,186,364	31,243	18,709	1,005,276	1,314,085	158,876	207,789
Tar - - - - - lasts	11,977	9,798	645	742	11,519	9,205	8,693	7,063
Tea - - - - - lbs.	44,360,550	49,307,701	2,158,029	4,269,865	36,574,004	49,142,236	3,832,427	4,674,535
Timber, viz. —								
Battens and batten ends - - gt. hhds.	13,154	17,247	31	80	13,386	15,677	127,378	152,596
Deals and deal ends —	61,731	69,318	748	1,022	63,941	68,500	582,485	647,581
Masts, 6 in. and under 8 in. in diameter - number	10,932	8,414	472	345	9,703	9,247	2,950	2,780
Ditto, 8 in. and under 12 in. - - - —	4,245	3,381	200	268	3,829	3,291	2,482	2,119
Ditto, 12 in. & upwards, loads	3,241	2,649	6	35	3,324	3,200	2,550	3,443
Oak planks —	1,347	3,046	2	- -	1,799	2,871	7,144	11,490
Staves - - - gt. hhds.	108,507	93,695	3,596	2,124	99,752	99,811	45,021	57,334
Fir 8 in. square and upwards - - loads	626,529	622,680	363	460	614,330	612,865	516,143	545,074
Oak, ditto - - —	26,346	25,684	25	15	26,288	26,062	33,098	31,318
Unenumerated, ditto —	41,375	39,422	140	72	41,642	39,314	10,595	10,043
Wainscot logs, ditto —	5,188	4,212	- -	- -	5,182	3,988	8,659	10,954
Tin - - - - - cwt.	19,705	23,236	23,796	17,231	4		18	Nil.
Tobacco, viz. —								
Unmanufactured - lbs.	25,523,611	32,232,907	13,218,897	12,319,405	21,803,775	22,150,785	3,334,234	3,397,102
Manufactured or cigars —	294,601	168,668	205,095	432,661	141,625	158,182		
Snuff - - - —	753	13,580	556	3,496	191	508		
British manufactured, and cigars - —	- -	- -	55,233	55,151	-			
British manufactured snuff - - —	- -	- -	12,257	13,554				
Turpentine, common - cwt.	294,104	376,981	72	209	300,831	340,123	66,043	75,824
Wax, bees', viz. —								
Unbleached - - - —	7,600	7,808	2,978	2,423	4,449	4,673	3,053	2,906
Bleached - - - - —	454	191	420	355	243	121		
Whale fins - - - —	7,337	5,929	656	838	6,368	5,201	330	265
Wine, viz. —								
Cape - - gallons	587,748	580,275	3,184	10,876	522,941	541,511	71,935	74,435
French - - - —	370,446	535,211	113,236	99,112	271,661	352,063	74,050	96,534
Portugal - - - —	4,269,890	4,089,255	475,084	381,026	2,780,024	2,878,359		
Madeira - - - —	204,825	233,979	179,735	152,368	139,422	133,673	1,545,493	1,622,993
Spanish - - - —	2,732,028	3,164,244	694,730	645,822	2,230,187	2,388,413		
Other sorts - - - —	874,614	805,109	409,612	385,320	476,107	515,193		
Additional duty on Wine in dealers' stocks -	- -	- -	- -	- -	- -	- -	14	
All sorts of Wine -	9,039,551	9,406,083	1,873,581	1,674,524	6,420,342	6,809,212	1,691,522	1,793,963
Wool, sheep and lambs' - lbs.	42,174,532	64,239,977	4,101,700	613,707	41,718,514	60,366,415	137,136	189,524
Woollen manufactures,								
Foreign, viz. —								
Cloths for exportation pieces	246	1,119	246	1,119				
Manufactures, entered at value - - —	99,951	139,796	2,286	11,721	97,665	128,075	14,767	19,346
Worsted yarn - lbs.	12,342	23,960	2,049	3,788	12,480	20,256	312	546

Places where Foreign Trade is principally carried on.—The following table of the gross and net duties collected at the different custom-houses of the United Kingdom, affords the best measure that can be obtained of the trade of each. It must not, however, be altogether depended upon. Some ports are principally distinguished by their export, and others by their import, trade; and the greater por-

ACCOUNT of the Gross and Net Amount of the Duties collected at each Custom-house of the United Kingdom in the Years 1835 and 1836.

ENGLAND.

Ports.	Gross Receipt, 1835.	Gross Receipt, 1836.	Net Receipt, 1835.	Net Receipt, 1836.
			Exhibiting Produce, after deducting Repayment of Trade Vouchers, Office Expenses, and Incidental Charges.	
	L.	L.	L.	L.
London	11,773,616	12,156,279	10,601,600	11,088,207
Aberystwith	2,006	1,637	1,035	633
Aldbro'	61	155		
Arundel	2,706	2,405		
Barnstaple	13,663	12,005	11,754	10,125
Beaumaris	3,378	3,220		
Berwick	7,189	7,851		
Bideford	4,186	3,663	1,281	960
Blackney & Clay	1,504	1,223		
Boston	10,325	10,535	6,078	6,171
Bridgewater	6,731	8,389	5,080	6,627
Bridlington	22	51		
Bridport	5,822	5,821	2,606	2,617
Bristol	1,177,687	1,112,812	1,120,808	1,073,099
Cardiff	5,608	7,630	4,086	5,927
Cardigan	1,119	869		
Carlisle	28,304	31,003	27,111	29,771
Chepstow	1,195	517	692	6
Chester	28,144	68,334	26,900	67,008
Chichester	909	1,031		
Colchester	15,548	16,837	10,997	12,335
Cowes	2,110	2,151		
Dartmouth	3,509	3,135		
Deal	76	150		
Dover	52,714	47,437	24,082	18,798
Exeter	72,329	79,897	61,976	69,569
Falmouth	19,157	23,524	6,271	11,325
Faversham	4,640	3,675		
Fowey	15,997	25,549	49	5,017
Gloucester	160,484	166,187	155,158	160,095
Goole	58,868	60,317	57,306	58,633
Grimsby	17,416	11,633	11,922	6,940
Gweek	15,594	25,980	3,724	7,927
Harwich	468	1,078		
Hull	720,870	801,628	689,573	768,448
Ilfracombe	234	104		
Ipswich	36,789	37,881	34,979	35,936
Lancaster	46,618	42,318	42,728	38,426
Llanelly	2,134	1,834	959	407
Liverpool	4,272,847	4,450,426	4,044,894	4,224,798
Lyme	1,665	1,467		
Lynn	42,025	52,470	38,582	48,483
Maldon	5,262	5,152		
Milford	11,989	4,075	777	
Newcastle	289,508	307,274	275,369	293,087
Newhaven	14,599	15,250	5,115	3,707
Newport	6,709	11,183	5,731	10,270
Padstow	1,897	1,410		
Penzance	18,263	30,558	2,184	8,291
Plymouth	95,462	103,425	71,147	78,066
Poole	9,681	12,000		1,843
Portsmouth	51,887	46,873	30,082	27,513
Ramsgate	8,242	10,262		
Rochester	19,621	17,996	1,460	
Rye	8,691	8,564		
St. Ives	2,688	4,521		
Scarbro'	1,185	2,139		
Scilly	153	82		
Shoreham	25,376	23,920	13,233	11,290
Southampton	49,806	49,159	31,676	30,126
Southwold	0	22		
Stockton	51,487	54,497	46,761	49,765
Sunderland	62,296	78,126	56,814	71,637
Swansea	3,791	3,448		
Truro	37,890	48,542	15,152	18,581
Wells	727	252		
Weymouth	13,179	13,120		
Whitby	1,871	1,106		
Whitehaven	96,079	88,291	91,583	83,350
Wisbeach	7,090	8,917	5,988	7,684
Woodbridge	2,789	2,001	549	
Yarmouth	56,814	63,783	43,602	50,713
Douglas	27,279	24,429	18,887	15,964
Total	19,614,979	20,327,657	17,579,960	18,390,550

SCOTLAND.

Ports.	Gross Receipt, 1835.	Gross Receipt, 1836.	Net Receipt, 1835.	Net Receipt, 1836.
			Exhibiting Produce, after deducting Repayment of Trade Vouchers, Office Expenses, and Incidental Charges.	
	L.	L.	L.	L.
Aberdeen	53,835	58,675	45,134	50,084
Air	1,183	1,518	184	385
Banff	1,112	870		
Borrowstoness	3,788	3,232	1,775	1,534
Campbeltown	351	389		
Dumfries	4,261	4,218	741	646
Dundee	45,609	70,982	39,125	63,954
Glasgow	314,701	289,702	303,317	375,395
Grangemouth	21,325	25,728	18,614	23,050
Greenock	448,661	374,467	316,575	285,206
Inverness	576	1,095		
Irvine	2,441	2,585	649	725
Kirkaldy	5,924	7,561	1,727	3,289
Kirkwall	369	651		
Leith	489,851	514,974	373,954	393,145
Lerwick	1,272	652	324	
Montrose	6,827	24,575	1,672	19,294
Port Glasgow	125,162	104,292	112,696	90,215
Stornoway	555	167		
Stranraer	292	190		
Wick	1,676	957		
Total	1,529,810	1,587,489	1,199,292	1,288,170

IRELAND.

Ports.	Gross Receipt, 1835.	Gross Receipt, 1836.	Net Receipt, 1835.	Net Receipt, 1836.
			Exhibiting Produce, after deducting Repayment of Trade Vouchers, Office Expenses, and Incidental Charges.	
	L.	L.	L.	L.
Baltimore	2,150	1,408		
Belfast	357,974	366,718	326,179	333,414
Coleraine	3,271	4,689		
Cork	217,788	230,904	185,866	196,854
Droghoda	9,176	13,882	5,829	8,680
Dublin	918,801	898,630	844,559	832,335
Dundalk	2,618	4,514		161
Galway	31,133	31,769	20,968	21,551
Limerick	142,843	146,222	122,455	126,290
Londonderry	100,088	99,652	85,607	85,930
Newry	54,081	58,906	39,846	43,867
Sligo	33,703	35,863	16,465	19,385
Waterford	135,844	137,126	123,861	124,706
Westport	452	577		
Wexford	4,920	6,306		
Total	2,016,149	2,036,572	1,743,642	1,770,020

TOTALS.

Ports.	Gross Receipt, 1835.	Gross Receipt, 1836.	Net Receipt, 1835.	Net Receipt, 1836.
			Exhibiting Produce, after deducting Repayment of Trade Vouchers, Office Expenses, and Incidental Charges.	
	L.	L.	L.	L.
England	19,614,979	20,327,657	17,579,960	18,390,550
Scotland	1,529,810	1,587,489	1,199,292	1,288,170
Ireland	2,016,149	2,036,572	1,743,642	1,770,020
Totals	23,160,939	23,951,719	20,522,895	21,448,741

tion by far of the customs' duties being laid on imports, the trade of the exporting ports is made to appear less than it really is, while that of the importing ports is made to appear greater. On the whole, however, the table is not very wide of the mark; and for most practical purposes may be held to be correct.

SECT. III.—*Means and Instruments by which Commerce may be facilitated and carried on.*

1. MONEY.—The circumstances that occasioned the introduction and use of gold and silver coins in all civilised societies, have been repeatedly elucidated. They serve both as standards by which to measure the value of other things, and as the universal equivalent, or *marchandise bannale*, the employment of which serves, in no ordinary degree, to facilitate exchanges.

In England a pound troy, or 12 oz. of the metal of which silver coins are made, contains 11 oz. 2 dwts. pure silver, and 18 dwts. alloy. Since 1816 this pound has been coined into 66 shillings, so that each of our current shillings contains 80·727 grains fine silver, and 87·27 grains standard silver; and the money pound, consisting of 20 such shillings, contains 1614·545 grains pure silver, and 1745·454 grains standard silver. All the English silver coins have been coined out of silver of 11 oz. 2 dwts. fine from the Conquest to this moment, except for the short period of 16 years, from the 34th Henry 8th to 2d Elizabeth.

The fineness of gold is estimated by carat grains, equivalent to 2½ dwts. troy; gold of the highest degree of fineness, or pure, being said to be 24 carats fine. The purity of our present gold coins is 11 parts fine gold and 1 part alloy. The sovereign, or twenty-shilling piece, contains 113·001 grains fine gold, and 123·274 grains standard gold. The pound troy of standard gold is coined into 46 sovereigns and $\frac{89}{120}$ths of a sovereign, or into 46*l.* 14*s.* 6*d.* The mint or standard price of gold is, therefore, said to be 46*l.* 14*s.* 6*d.* per pound troy, or 3*l.* 17*s.* 10½*d.* an ounce.

The alloy in coins is reckoned of no value: it is allowed in order to save the trouble and expense that would be incurred in refining the metals to their highest degree of purity; and because, when its quantity is small, it renders the coin harder, and less liable to be worn or rubbed. Were the quantity of alloy considerable, it would lessen the splendour and ductility of the metals, and would add too much to the weight of the coins.

Originally, the coins of all countries seem to have had the same denominations as the weights commonly used in them, and contained the exact quantity of the precious metals indicated by their name. Thus the talent was a weight used in the earliest period by the Greeks; the as, or pondo, by the Romans; the livre by the French; and the pound by the English and Scotch; and the coins originally in use in Greece, Italy, France, and England, bore the same names, and weighed precisely a talent, a pondo, a livre, and a pound. The standard has not, however, been preserved inviolate, either in ancient or modern times. The necessities of governments, and the unfounded notion so generally diffused that coins derived their value rather from the coinage than from the quantity of metal contained in them, have

every where led to their degradation. They have been less enfeebled in this than in any other country; but even here the quantity of silver in a pound sterling is less than the third part of a pound weight the quantity it contained down to 1300. At the union of the crowns, in 1604, the coins current in Scotland contained the *twelfth part* only of the silver they contained in 1296. In France the livre, current in 1789, contained less than one sixty-sixth part of the silver implied in its name, and which it had contained previously to 1103. In Spain, and some other countries, the degradation has been carried even further.

When two metals, as gold and silver, are formed into coins, and may be used indifferently as legal tenders in all payments, the proportion which the one bears to the other must be fixed by authority. But how accurately soever this proportion may be made to correspond with the real value of the metals when it is fixed, it will not continue to be accurate for any considerable period. Each of the metals is liable to have its value affected by circumstances which may not affect the other; and whenever any variation of this sort takes place, it becomes the interest of all debtors to use that metal only which is overvalued, so that it becomes the only currency. In the French mint silver was for a long period overvalued, as compared with gold; and in England gold was for a long period overvalued, as compared with silver; and hence the reason that silver coins form almost the sole currency of France; and that from the accession of George I. gold coins have been the principal currency of England.

The following table, calculated by Martin Folkes, Esq., exhibits in a brief space the various alterations that have been made in our money standard, from the Conquest down to 1816.

TABLE showing the Fineness of the Silver in English Coins, the Weight of Twenty Shillings in tale, the Value of such Twenty Shillings in present Money, &c. from the Conquest to 1601.

Reigns and Years.		Fineness of the Silver.		Weight of 20s. in tale, Troy Weight.			Value in present Money.			Proportion.	Fine Gold to fine Silver.
		oz.	*dwts.*	*oz.*	*dwts.*	*gr.*	£	*s.*	*d.*		
Conquest	1066	11	2	11	5*	0	2	18	$1\frac{1}{2}$	2·906	No gold.
28 Edw. I.	1300	-	-	11	2	5	2	17	5	2·871	
18 Edw. III.	1344	-	-	10	3	0	2	12	$5\frac{3}{4}$	2·622	12·583
20 ditto	1346	-	-	10	0	0	2	11	8	2·583	11·571
27 ditto	1353	-	-	9	0	0	2	6	6	2·325	11·158
13 Hen. IV.	1412	-	-	7	10	0	1	18	9	1·937	
4 Edw. IV.	1464	-	-	6	0	0	1	11	0	1·055	10·331
18 Hen. VIII.	1527	-	-	5	6	16	1	7	$6\frac{3}{4}$	1·378	11·267
34 ditto	1543	10	0	5	0	0	1	3	$8\frac{1}{4}$	1·163	10·435
36 ditto	1545	6	0	5	0	0	0	13	$11\frac{1}{2}$	0·698	6·818
37 ditto	1546	4	0	5	0	0	0	9	$3\frac{1}{4}$	0·466	5
3 Edw. VI.	1549	6	0	3	6	16	0	9	$3\frac{1}{4}$	0·466	5·151
5 ditto	1551	3	0	3	6	16	0	4	$7\frac{3}{4}$	0·232	2·011
6 ditto	1552	11	1	4	0	0	1	0	$6\frac{3}{4}$	1·028	11·05
1 Mary	1553	11	0	4	0	0	1	0	$5\frac{3}{4}$	1·024	11·05
2 Eliz.	1560	11	2	4	0	0	1	0	8	1·033	11·1
43 ditto	1601	11	2	3	17	10	1	0	0	1	10·905

* The Saxon, or Tower pound, which was then the common weight, and continued to be the money weight till the 18th Henry VIII., was but 11 oz. 5 dwt. troy; so that 20 shillings in tale was then exactly a pound in weight.

From the 43d of Elizabeth no change was made in the silver coinage for more than two centuries, or till 1816, in the 56th of George III., when the pound of silver was ordered to be coined into 66 instead of 62 shillings; the additional 4 shillings being retained by government as a seignorage or duty (amounting to $6\frac{1}{31}$ per cent.) on the coinage. This, however, did not really in any degree affect the standard of our currency, which for about a century previously had in fact consisted of gold and not of silver. This system, which had grown up in the way stated above, was, in 1816, established by law. Gold was then declared to be the only legal tender in all payments of more than 40*s*; and the weight of the silver coins being at the same time reduced, they were made a merely subsidiary species of currency, the supply of which was retained exclusively in the hands of government. This system has been found to answer extremely well. No seignorage is charged on the coinage of gold, the expense of which amounts to about 10*s*. per cent.

The quantity of gold coin at present in circulation in Great Britain, exclusive of that in the coffers of the Bank of England and of her branches, is supposed to amount to about *thirty* millions.

Value of Foreign Coins in Sovereigns.—Owing to the sovereign or standard coin of this country consisting of gold, while the standard coins of most other countries consist of silver, the value of the one as compared with the others, does not depend merely on the quantity of pure gold in the sovereign and the quantity of pure silver in the franc, dollar, &c., but partly on that circumstance, and partly on the relative values of gold and silver at the time. At present a franc is worth about 9·7*d*.; a Spanish dollar, 4*s*. 4*d*.; a Sicca rupee, 2*s*.; a Prussian rixdollar, 3*s*., and so forth.

Copper coins are only legal tender to the extent of 1*s*.; being in respect of silver what silver coins are now in respect of gold.

Paper Money—Banks.—Notwithstanding the precious metals are, in many respects, admirably fitted to serve as a medium of exchange, they have two very serious drawbacks,—their cost, and the difficulty and expense of carrying them from place to place. If the currency of Great Britain consisted only of gold, it would amount to at least sixty millions of sovereigns; and the expense attending such a currency, allowing only ¼ per cent, for wear and tear and loss of coins, could not be reckoned at less than 3,250,000*l*. a year. It is obvious, too, that were there nothing but coins in circulation, the conveyance of large sums from place to place, to discharge accounts, would be a very laborious process, and that even small sums could not be conveyed without considerable difficulty; and hence it is that most commercial and highly civilised nations have endeavoured to fabricate a portion of their money of less costly materials, and have resorted to various devices for economising the use of coin. Of the substitutes for coin hitherto suggested, paper is, in all respects, the most eligible. Instead of discharging their debts by a payment of the precious metals, individuals, on whose solvency the public may rely, pay them by giving a bill or draft for the sum, payable in coin at sight, or at so many days after date; and as this bill, or draft, passes currently from hand to hand as cash, it performs all the functions of coin, while it

saves its expense to the public. A sense of the advantages that might be derived from the circulation of such bills or drafts led to the institution of banks for their regular issue.

By a bank of this description, or a *bank of circulation*, is meant an establishment founded by one or more individuals, known or believed to be possessed of large property, for the accommodation of the public with loans. A banker, on being applied to for a loan, does not make the advance in gold or silver, or other valuable material, but in his own promissory notes or engagements, binding him to pay the sums specified in them at sight, when presented at the bank, or at some specified period. When a bank is in good credit, its notes are deemed by the public equivalent to a corresponding amount of gold or silver; and, being freely accepted in payment of debts of all sorts, and easily carried about or conveyed by post, they are even more useful to those who originally borrowed them from the bank, and to their subsequent holders, than an equal sum in coin. The borrowers, therefore, do not scruple to pay the same interest for the loan of a promissory note of 100*l.* or 1,000*l.* that they would do for a loan of a hundred or a thousand sovereigns. But the note costs the issuer comparatively little. He, in fact, deals in credit, or in obligations to pay, and not in real values; his profits consisting in the excess of interest derived from the notes or obligations he has issued over and above the interest of the cash or unproductive stock he is obliged to keep in his coffers to meet the demands of the public for payment of his notes, and the expenses of his establishment.

Besides this sort of banks there are also *banks of deposit*, or banks for keeping the money of individuals. A merchant, or other person, using a bank of this sort, makes all his considerable payments by drafts upon his bankers, and sends all the bills due to him to them to be presented, and noted if not duly paid. By this means he saves the trouble and expense of keeping a quantity of unemployed money at home, of receiving coins or notes that are not genuine, and of making any mistakes with respect to the presentation of due bills; and in consequence of the saving of money that is thus effected, a much less quantity serves for the demand of the public.

If a bank circulation, or an establishment for the issue of notes, fall into discredit, its notes must obviously cease to circulate. Unless when guaranteed by government, or made legal tender, no one ever takes promissory notes, except on the supposition that they will be paid when presented or when due, and that they are substantially equivalent to cash. The moment any suspicion (whether well or ill founded is so far of little consequence) arises that the issuers of notes are unable to meet their obligations, there is a run upon them for payment, and their notes are rejected by every one.

All banks of circulation are necessarily almost at the same time banks of deposit; but there are in all civilised and commercial countries a good many of the latter class of banks only.

English Banks. — Banking establishments for the issue of notes, and for taking care of people's money, have existed in this country since the latter part of the seventeeth century. The Bank of England was founded in 1694, and has long been the greatest bank of

circulation and deposit in the world. From its foundation it has enjoyed several peculiar privileges. The principal of these was conferred upon it in 1708, by an act which prohibited any company from being established for the issue of notes payable on demand in England and Wales with more than six partners. This restriction continued till 1826, when it was abolished, in so far as respects all places more than 65 miles distant from London; but within that distance it still prevails.

In consequence of this regulation, and of the great capital and credit of the Bank of England, its notes have always been held in the highest estimation; and no bank for the issue of promissory notes payable on demand has been established in or near London. In the provinces, however, numerous private banks of issue and deposit have always existed. Since the close of the American war, their numbers have been greatly increased; and since the abolition of the restriction on the number of partners, in 1826, many banks have been established, some with very large bodies of proprietors. Except in the case of the Bank of England, all the holders of stock in the other English banks are liable, not merely for the amount of their share in the capital stock of the company, but for its whole debts, whatever may be their amount.

From the first establishment of the Bank of England, down to 1797, it had always paid its notes regularly when presented. But in the course of 1796, and the early part of 1797, there was, owing to the prevalence of reports of invasion, a pretty severe run upon the Bank of England, and it was at length apprehended that she might be obliged to make a temporary stoppage. To avert a contingency of this sort an order in council was issued in February, 1797, authorising the bank not to pay her notes in gold; and this order was subsequently confirmed by parliament, and prolonged till after the conclusion of a definitive treaty of peace.

Contrary to what might have been and was anticipated by many, the order referred to did not stop the circulation of Bank of England notes, or diminish the confidence of the public in that establishment. The Report of a Committee of the House of Commons, published soon after the suspension, showed that the bank was not merely possessed of the most ample funds to meet all her engagements, but that she had a surplus stock, after all demands upon her were deducted, of no less than 15,513,000*l.* This Report, and the fact that the Bank of England notes became *practically a legal tender,* secured their circulation. .

The obligation on the issuers of paper to pay their notes on demand is necessary, not only to give them circulation, but to prevent their being issued in excess; for as soon as any considerable over-issue takes place, the currency becomes depreciated as compared with that of other countries, and notes are, in consequence, returned upon the banks for payment, in order to get gold and silver to send abroad where their value is higher; and the banks, to obviate the drain, are obliged to narrow their issues. London being the centre, where the exchanges with other countries are adjusted, the value of its currency determines the state of the exchange; and it also determines the value

of the currency of the provinces, there being a constant demand upon the country banks for gold or bills on London. While the Bank of England was obliged to pay in specie, the value of her notes could not, and in point of fact did not, differ materially from that of gold. But in 1799 or 1800, after the check of cash payments had been removed, they began to be depreciated from excess; and during the last half dozen years of the war their depreciation was carried to such an extent, that the ounce of standard gold, which should be worth only 3*l.* 17*s.* 10½*d.*, was, in 1814, actually worth 5*l.* 4*s.*, being a depreciation of 25¼ per cent.!

The difficulties which had been thrown during the latter years of the war in the way of importation from abroad, combined with deficient crops at home, caused an extraordinary rise in the price of corn. But no sooner had the northern ports been opened, in the autumn of 1814, than a large importation, accompanied by a heavy fall of prices, began to take place; which was still further increased after the general pacification in 1815. This fall proved ruinous to many farmers who had been large borrowers from the country banks; and in consequence of the losses arising from this and other causes that grew out of the altered situation of the country, a general want of confidence was experienced, and an immense number of country banks became insolvent. There is believed to have been in 1814, 1815, and 1816, a greater destruction of bank paper in this country than had ever previously taken place any where else, except, perhaps, at the breaking up of the Mississippi scheme in France. The contraction of the currency, that had been thus violently brought about, raised its value nearly to par; and paved the way for the act of 1819, the 59 G. 3. c. 78., commonly called "Peel's Act," from its being introduced by Sir Robert Peel, which provided for the return to cash payments by the Bank of England at the old standard. These were resumed in 1821.

Much difference of opinion has prevailed as to the policy of this famous act, and this is not a proper place for discussing its merits. We believe, however, that it was a wise as well as a just measure; and that the inconveniences that have been said to result from it have been very greatly exaggerated. The principal objection made to it is, that it raised the value of money, and, consequently, enriched creditors and the holders of funded property at the expense of their debtors and of the public. But supposing this to be true, the measure took no person, or at least should have taken no person, by surprise. It had been declared in numerous acts of parliament that cash payments were to be resumed within 6 months after a definitive treaty of peace. Every loan had been contracted under this condition; and the legislature might as well have declared that it was not bound to pay the interest of the debt, as that it was not bound to pay in coin of the standard weight and purity.

It was impossible, therefore, for the legislature to refuse returning to cash payments; and whatever may have been the influence of that measure at the time is now matter of history, and is beyond the reach of human power to obviate or repair. Supposing that it raised the value of money, that money has been the standard for 16 years.

Nineteen out of every twenty of the existing contracts, obligations, and estimates, have been entered into and framed with reference to it; so that, whether enhanced or not at the outset, to interfere with it now would not be to repair injustice, but to commit it afresh — it would be to rob and plunder the present race of creditors, on pretence that the individuals who were creditors 16 years ago had gained an undue advantage!

But we take leave to deny that the return to cash payments made any sensible addition to the value of money. If we ask where are the proofs of its having done so, we are referred to the fall that has since taken place in the prices of most articles. But this is plainly no proof at all. Prices may, no doubt, be reduced by a rise in the value of money; but they may also be reduced by a decline in the cost of production; and, so far as we can discover, we incline to think that this has been the sole cause of the entire fall that has taken place since the resumption of cash payments. The advocates of the opposite opinion have never been able, though often called upon, to specify a single article, either of domestic or foreign growth or manufacture, that has fallen in price since 1819, the fall of which may not be satisfactorily and completely accounted for by circumstances peculiar to its production or supply, or both, independently altogether of variations in the value of money. We believe there is no such article. The fall that has taken place in agricultural and in colonial products, in manufactured goods, &c., is entirely ascribable to improved and cheaper methods of production; to the abolition of monopolies, the reduction of taxes, the opening of new and more abundant sources of supply, or to some such cause. Not a tittle of evidence has been, or we apprehend can be, brought to show that the fall of prices has been owing, even in a solitary instance or in any degree, to a rise in the value of money. This is an opinion for which there seems to be no real foundation whatever — a phantom conjured up, that a wholesale robbery of public and private creditors might be perpetrated under cover of the speculation and alarm caused by its appearance.

Notwithstanding that the bankruptcy which overspread the country in 1814, 1815, and 1816, was mainly ascribable to the defective constitution of the country banks, and to the reckless and improvident manner in which they were managed, no steps were taken when the resumption of cash payments was decided upon in 1819 to obviate any one of these sources of mischief. The consequences were such as might have been anticipated. A peculiar combination of circumstances having conspired to produce an extraordinary rage for speculative undertakings in 1824 and 1825, the country bankers gave into the infatuation, and made the most sudden and excessive additions to their issues. In consequence the currency became redundant; and this having occasioned a heavy drain for gold on the Bank of England, the latter was, in the end, obliged to contract her issues. The country banks, whose engagements had in many instances been carried to an extent quite incommensurate with their capital, began to give way the moment they experienced an increased difficulty of obtaining pecuniary accommodation in London; and so rapid and sweeping was the destruction, that in less than six weeks above seventy banking establishments were swept off, and a vacuum created in the currency that

absorbed from *eight* to *ten* millions of additional issues by the Bank of England!

This catastrophe seems at length to have satisfied the parliament and people of England that the private banking system was weak and vicious, and that it was imperatively necessary it should be amended and strengthened. In this view the clause in the act of 1708, already referred to, prohibiting any private bank from having more than *six* partners, was repealed; and the issue of notes for less than 5*l.*, the circulation of which began in 1797, was also forbidden.

The last measure has, no doubt, shut up one of the easiest channels through which the inferior order of country bankers used to get their paper into circulation, and has been in so far advantageous. But abundance of other channels are still open to them; and the fact that a third part of all the private banks existing in England and Wales, in 1792, were destroyed during the revulsion of that year, though no notes for less than 5*l.* were then in circulation, shows how little the suppression of small notes can do to obviate the mischiefs complained of. Very important advantages were, however, expected to result from the other measure, or that repealing the act of 1708, and consequently allowing the formation of joint stock banks, or banks with any number of partners. But these anticipations have proved to be nearly, if not quite, fallacious. There cannot, in fact, be a greater error than to suppose that because a bank has a considerable number of partners it will necessarily be either rich or well managed. It may be neither the one nor the other. A single individual may possess more wealth than a number of individuals associated together; and the chances are, that if he engage in banking, or any other business, it will be better managed than by a company. Under our present system, and in fact it is impossible to prevent it under any system, the partners in joint stocks, as in other banks, may be men of straw, or persons without property, and unable to fulfil their engagements. It is of the essence of a secure and well established paper currency that the notes of which it consists should be of the exact value of the gold or silver they profess to represent, and that, consequently, they should be paid the moment they are presented. But it is not enough to order that this condition shall be uniformly complied with. Such order is obeyed only by the opulent, prudent, and conscientious banker, and forms little or no check on the proceedings of those of a contrary character. It is the latter class, however, that it is especially necessary to look after; and it is needless to say that any system that permits notes to be issued without let or hindrance by speculative, ignorant, or unprincipled adventurers, must be essentially vicious.

The progress of the system of joint stock banking, or of banks with more than *six* partners, since 1826, when it commenced, has been as follows:—

	Banks.		Banks.
In 1826 were registered - -	3	In 1833 were registered - -	9
1827 —	4	1834 —	10
1828 —	0	1835 —	9
1829 —	7	1836 —	45
1830 —	1		—
1831 —	9		104
1832 —	7		—

In point of fact, however, the joint stock banks have each, at an average from five to six branches; and as these branches transact all sorts of banking business, and enjoy the same credit as the parent establishments, from which they are frequently at a great distance, they are to all intents and purposes so many distinct banks. Hence, instead of 104, there were really above 500 joint stock banks in England and Wales in 1836, of which no fewer than 200 were opened in the course of that year! Some private banks have latterly been converted into joint stock banks, and others have wound up their affairs and ceased to exist; still, however, their number amounts to about 550; so that, in all, there are at this moment nearly 1,100 joint stock and private banking establishments in England and Wales. From a half to two thirds of these establishments issue notes.

It has sometimes been contended, in vindication of our present system, which allows any individual or set of individuals, how bankrupt soever in fortune and character, to issue notes without check or limitation of any kind other than the promise to pay them on demand, that they are essentially *private paper;* that the acceptance of them in payment is optional; and that as they may be rejected by every one who either suspects or dislikes them, there is no room or ground for interfering with their issue! But every body knows that, whatever notes may be in law, they are in most parts of the country *practically and in fact legal tender.* The bulk of the people are totally without power to refuse them. The currency of many extensive districts consists in great part of country notes; and such small farmers or tradesmen as should decline taking them would be exposed to the greatest inconveniences. Every one makes use of, or is a dealer in money. It is not employed by men of business only, but by persons living on fixed incomes; by women, labourers, minors,—in short, by every class of individuals, very many of whom are necessarily, from their situation in life, quite unable to form any estimate of the solidity of the different banks whose paper is in circulation. Such parties are uniformly severe sufferers by the failure of banks. The paper that comes into their hands is a part of the currency or money of the country; and it is quite as much the duty of government to take measures that this paper shall be truly and substantially what it professes to be, as that it should take measures to prevent the issue of spurious coins or the use of false or deficient weights and measures.

The fact is, that the paper currency of the country will never be on a sound footing until the issue of notes, whether by joint stock banks or private individuals, be suppressed. It has been proposed, to obviate a recurrence of the wide-spread ruin that has so frequently resulted from the bankruptcy of banks of issue, to compel them to give security for the payment of their notes. The adoption of such a regulation would, no doubt, be a vast improvement on the existing system; and should the issue of notes by private individuals and associations be permitted to continue, it is of essential importance that it should be enforced. But though the exacting of security would materially mitigate, it would not eradicate the vices of the existing system. A paper currency is not in a sound or wholesome state, unless, 1st, means be taken to insure that each particular note or parcel of such currency

be paid immediately on demand; and unless, 2nd, *the whole currency vary in amount and value exactly as a metallic currency would do were the paper currency withdrawn and coins substituted in its stead.* The last condition is quite as indispensable to the existence of a well-established currency as the former; and it is one that cannot be realised otherwise than by confining the issue of paper to a single source.

Now, it is easy to see that were paper issued only by the Bank of England, or some one source in London, and then only *in exchange for bullion*, the currency would be in its most perfect state, and would fluctuate exactly as it would do were it wholly metallic. But at present it is quite otherwise. The currency is supplied by hundreds of individuals and associations, all actuated by different and frequently conflicting views and interests. The issues of the Bank of England, though not always, are generally governed by the state of the exchange, or rather by the influx and efflux of bullion, increasing when it flows into and decreasing when it flows out of the country. But it is quite otherwise with the provincial bankers. Their issues are not regulated by any such standard, but by the state of credit and prices in the districts in which they happen to be situated. If their managers suppose that these are good or improving, they rarely hesitate about making additional issues. Hence, when the state of the exchange and the demand on the Bank of England for bullion show that the currency is redundant, and ought to be contracted, the efforts of the Bank to effect its diminution are often impeded, and met by a contrary action on the part of the country banks. This is not owing to the ignorance of the latter. Under the supposed circumstances, the country bankers see, speaking generally, that they ought also to contract; but being a very numerous body, comprising several hundred establishments scattered over all parts of the country, each is impressed with the well-founded conviction that all that he could do in the way of contraction would be next to imperceptible; and no one ever thinks of attempting it, so long as he feels satisfied of the stability of those with whom he deals. On the contrary, every banker knows, were he to withdraw a portion of his notes, that some of his competitors would most likely embrace the opportunity of filling up the vacuum so created; and that consequently he should lose a portion of his business, without in any degree lessening the amount of paper afloat. Hence, in nineteen out of twenty instances, the country banks go on increasing their aggregate issues long after the exchange has been notoriously against the country, and the Bank of England has been striving to pull up.

The circumstances now stated were strikingly exemplified in the course of 1836 and the early part of 1837. The excessive multiplication of joint stock banks in 1836, the great additions they made to the number of notes afloat, and the still greater additions they made to the number of bills, checks, and other substitutes for money, occasioned a redundancy of the currency, a fall of the exchange, and a drain upon the Bank of England for gold. But while the latter was narrowing her issues, by supplying the exporters of bullion with gold in exchange for notes, the country banks went on increasing their issues! What the former did by contracting on the one hand, the

latter more than undid by letting out on the other. The vacuum created by the withdrawal of Bank of England paper was immediately filled up, and made to overflow by the issue of a more than equal amount of provincial paper; so that had it not been for the rise in the rate of interest, and the other repressive measures adopted by the Bank, the probability is that she might have gone on paying away bullion for notes till she was drained of her last sixpence, without in any degree affecting the exchange. But this is not all. Not only do the country banks almost universally increase their issues when they ought to be diminished, but the moment they are compelled to set about their reduction, they run headlong into the opposite extreme, and unreasonable suspicion takes the place of blind unthinking confidence. The cry of *sauve qui peut* then becomes all but universal. It is seldom that a recoil takes place without destroying more or fewer of the provincial banks; and, provided the others succeed in securing themselves, little attention is usually paid to the interests of those they have taught to look to them for help.

We have previously noticed the bankruptcy and distress entailed on the country by the over-issue and consequent failure of the country banks in 1814, 1815, and 1816, and again in 1825-26. The influence of the revulsion in 1792 was similar, and equally disastrous; and though, owing to the assistance afforded by the Bank of England, the crisis of 1836 was very much mitigated, it seriously affected the industry and commerce of the empire, and inflicted a blow upon them both, from the effects of which they have not as yet (1838) recovered.

Although, therefore, the exacting of security for their payment from the issuers of notes would protect the holders from loss, and be in so far advantageous, it would not hinder that competition among the issuers that is so very injurious, nor prevent the supply of paper being at one time in excess and at another deficient. If we would provide for that unity of action on the part of the issuers, and that equality in the value of money, that are so indispensable, it must all emanate from one source. Were one body only entrusted with the issue of notes, it would be able immediately to narrow the currency when bullion began to be exported, and to expand it when it began to be imported; and it would be easy for the legislature to lay down and enforce such regulations as would effectually prevent the fluctuations in the amount and value of the currency ever exceeding those that would take place were it wholly metallic. But nothing of the sort need be expected so long as it is supplied by more than one source. Every thing must then be left to the discretion of the parties. And it will certainly happen in time to come, as it has invariably happened in time past, that some of them will be increasing their issues when they should be diminished, and diminishing them when they should be increased; and that the country will continue to be exposed to the incessant recurrence of the most destructive revulsions.

The Bank of England has lent above 11,000,000*l.* to government, which is a security for her notes; and every farthing of this immense sum must be sacrificed before the public can sustain any loss by them. It is difficult to see why other establishments of which the public know nothing, and which experience has shown are little entitled to con-

fidence, should in this respect meet with more favourable treatment than the Bank of England.

In 1833 the charter of the Bank of England was prolonged till 1845. Previously to that year, the notes of the country banks were made payable in gold; but it was then enacted that they might be paid either in gold or in Bank of England notes. In fact, Bank of England notes are now legal tender every where except at the bank and her branches.

The Bank of England is the government bank, transacting for it all the banking business of the nation, receiving the produce of the taxes, loans, &c., and paying the interest of the public debt, the drafts of the Treasury and other public departments, transferring stock, &c. For this the bank receives, exclusive of the use of the balances of public money in her hands, about 130,000*l.* a year.

The Bank of England sends in weekly accounts of the cash and bullion in her coffers, and of the amount of the circulation and deposits, monthly abstracts of which are published in the Gazette. Quarterly returns of the issues of the country banks are now also required, and the results published.

The Bank of England, and the private banks of the metropolis, do not give interest on deposits; but it is generally given by the banks in other parts of the country. It would be a great public advantage could the Bank of England accept, with safety to herself, of small sums, or of sums of 50*l.* and upwards, and give interest upon them. The issues of the Bank of England are chiefly made in advances to government upon the security of exchequer bills, &c.; but, in periods of distress, or when credit is shaken, she has frequently advanced very large sums to the merchants. She discounts no bills of above three months' date.

Scotch Banks.—The act of 1708, limiting the number of partners in English banks to six, did not extend to Scotland; and most of the banks that have been established in that country have numerous bodies of partners. The Bank of Scotland was founded in 1695, and the Royal Bank in 1727, since which time about 30 other establishments have been formed for the issue of notes. Owing partly to the superior stability derived from their extensive proprietary, but more, perhaps, to the less risk attending the business of banking in Scotland, bankruptcies have been very rare among the Scotch banks. They have long enjoyed the unlimited confidence of the public; and, from their receiving small sums (10*l.*) as deposits, and paying interest upon them at about 1 per cent. below the market rate, they have contributed much to diffuse a spirit of economy, and to increase accumulation. One-pound notes were issued by the Bank of Scotland in 1704; and their issue has been thence continued to the present day, the act prohibiting their circulation in England not having extended to Scotland. For many years past very little gold coin has been seen in Scotland. The Scotch banks make their advances partly by discount of bills, and partly by what are termed cash accounts, or cash credits. The latter is a very convenient method of issue. A cash account is a credit given by the bank to an individual for a certain sum, which he may draw out wholly or partially as he pleases, replacing it in the same way, being

charged interest only on the portion he withdraws. The Scotch banks draw on London at 20 days' date.

Irish Banks. — The Bank of Ireland was established in 1783, and the same restriction as to the number of partners in other banks that formerly prevailed in England was enacted in its favour. Owing to that and other causes, the bankruptcies of private banks have been more frequent in Ireland than in England. In 1821 this restriction was repealed, as respects all parts of the country more than 50 Irish miles from Dublin. Since that period several banking companies, with large bodies of partners, have been set on foot in different parts of the country: of these, the Provincial Bank, founded on the Scotch model, is among the most flourishing. The charter of the Bank of Ireland expires in 1838, provided notice be then given that it is at an end. The Irish and Scotch banks issue notes for 1*l.*

STATEMENT of the Affairs of the Bank of England, February 29, 1832.

Dr.			Cr.		
To bank notes outstanding		£ 18,051,710	By advances on government securities, viz. —		
To public deposits, viz. —			Exchequer bills on the growing produce of the consolidated fund in the quarter ending		
Drawing accounts	2,031,790		5th of April, 1832	3,428,340	
Balance of audit roll	550,550		5th of July, 1832	697,000	
Life annuities unpaid	85,030		Exchequer bills on supplies 1825	7,600	£ 4,134,940
Annuities for terms of years unpaid	38,360	3,198,730	Ditto for 10,300,000*l.* for 1825	2,000	
Exchequer bills deposited	490,000		By the advances to the trustees appointed by the Act 3 Geo. 4. c. 51. towards the purchase of an annuity of 585,740*l.* for 44 years, from 5th of April, 1825		10,897,880
To private deposits, viz. —			By other creditors, viz. —		
Drawing accounts	5,688,870		Exchequer bills purchased	2,700,000	
Various other debts	54,560	5,738,430	Stock purchased	764,600	
To the Bank of England for the capital		14,553,000	City bonds	500,000	
To balance of surplus in favour of the Bank of England		2,637,760	Bills and notes discounted	2,951,970	
			Loans on mortgages	1,452,100	9,166,860
			London Dock Company	227,500	
			Advances on security of various articles	570,690	
			By cash and bullion		5,295,150
			By the permanent debt due from government		14,686,800
		£ 44,179,630			£ 44,179,630
			Rest, or surplus brought down		2,637,760
			Bank capital due to proprietors		14,553,000
					£ 17,190,760

ACCOUNT of the Amount of the Notes of the Bank of England in Circulation, of the Deposits in the Hands of the Bank, of all Securities held by the Bank, of Bullion in her Coffers, and of the Rest or Surplus Capital of the Bank, on the last Day of February in each of the following Years.

Years.	Notes in Circulation.	Deposits.	Public Securities.	Private Securities.	Bullion.	Rest, or Surplus Capital.
1778	7,440,330	4,662,150	7,898,222	3,322,228	2,010,690	1,128,750
1779	9,012,610	4,256,160	8,962,242	2,078,668	3,711,150	1,276,290
1780	8,410,790	4,723,850	9,145,659	1,755,371	3,581,060	1,347,410
1781	7,092,450	5,798,430	8,640,073	2,546,087	3,279,940	1,576,800
1782	8,023,880	6,130,300	10,346,055	3,448,015	2,157,860	1,792,750
1783	7,675,090	4,465,000	10,016,349	2,779,451	1,321,190	1,976,880
1784	6,202,760	3,903,920	7,789,291	5,829,929	655,840	2,168,380
1785	5,923,060	6,068,160	7,108,564	4,973,926	2,740,940	2,321,060
1786	7,581,950	6,151,660	6,836,459	3,516,781	5,979,100	2,598,710
1787	8,324,840	5,902,060	7,642,587	3,716,463	[illegible]	2,753,880
1788	9,561,120	5,177,050	7,833,857	4,030,653	5,743,410	2,869,780
1789	9,807,210	5,537,370	8,249,582	2,711,108	7,228,730	2,844,840
1790	10,040,540	6,225,270	8,347,387	1,984,[illegible]	8,633,000	2,701,310
1791	11,439,200	6,504,550	10,380,358	2,222,282	7,869,410	2,668,300
1792	11,307,380	5,523,370	9,938,799	3,129,761	6,408,060	2,705,870
1793	11,868,910	5,346,450	9,549,209	6,456,041	4,010,680	2,780,570
1794	10,744,020	7,891,810	9,950,786	4,573,794	6,987,110	2,875,830
1795	14,017,510	5,973,020	13,164,172	3,647,168	6,127,720	2,948,650
1796	10,729,020	5,702,365	12,951,812	4,188,028	2,532,630	3,247,590
1797	9,874,760	4,891,530	11,714,431	5,125,319	1,086,170	3,367,610
1798	12,005,830	6,148,900	11,241,353	5,558,107	5,328,940	3,383,710
1799	12,950,900	8,131,820	11,510,577	5,524,353	17,563,900	3,511,310
1800	13,844,470	7,062,880	15,975,603	7,448,347	6,144,950	3,661,150
1801	16,213,280	10,745,840	15,958,011	10,466,719	4,640,120	4,105,730

Amount of Notes, &c. — *continued.*

Years.	Notes in Circulation.	Deposits.	Public Securities.	Private Securities.	Bullion.	Rest, or Surplus Capital.
1802	15,186,880	6,858,210	14,199,094	7,760,726	4,152,950	4,067,680
1803	15,319,930	8,050,240	9,417,887	14,497,013	3,776,750	4,321,480
1804	17,077,830	8,676,830	14,684,686	12,314,284	3,372,140	4,616,450
1805	17,871,170	12,083,620	16,889,501	11,771,889	5,883,800	4,590,400
1806	17,730,120	9,980,790	14,813,599	11,777,471	5,987,190	4,867,350
1807	16,950,680	11,829,320	13,452,871	13,955,589	6,142,840	4,771,300
1808	18,188,860	11,961,960	14,149,501	13,234,579	7,855,470	5,088,730
1809	18,542,800	9,982,950	14,743,425	14,374,775	4,488,700	5,081,090
1810	21,019,600	12,457,510	14,322,634	21,055,946	3,501,410	5,403,080
1811	23,360,220	11,445,650	17,201,800	19,920,550	3,350,940	5,667,420
1812	23,408,320	11,595,200	22,127,253	15,899,037	2,983,190	6,005,960
1813	23,210,950	11,268,180	25,036,626	12,894,324	2,884,500	6,336,340
1814	24,801,080	12,455,460	23,630,317	18,359,593	2,204,430	6,937,800
1815	27,261,650	11,702,250	27,512,804	17,045,696	2,036,910	7,631,510
1816	27,013,620	12,388,890	19,425,780	23,975,530	4,640,880	8,639,680
1817	27,397,900	10,825,610	25,538,808	8,739,822	9,680,970	5,736,090
1818	27,770,970	7,997,550	26,913,360	5,991,970	10,055,460	5,192,270
1819	25,126,700	5,413,370	22,355,115	9,099,885	4,184,620	4,099,550
1820	23,484,110	4,093,550	21,715,168	4,472,522	4,911,050	3,520,880
1821	23,884,920	5,622,890	16,010,990	4,785,280	11,869,900	3,158,360
1822	18,665,350	4,689,940	12,478,133	3,494,947	11,057,150	3,674,940
1823	18,392,240	7,181,100	13,658,829	4,660,901	10,384,230	3,130,620
1824	19,736,990	10,097,850	14,341,127	4,530,873	13,810,060	2,847,220
1825	20,753,760	10,168,780	19,447,588	5,503,742	8,779,100	2,807,890
1826	25,467,910	6,935,940	20,573,258	12,345,322	2,459,510	2,974,240
1827	21,890,610	8,801,660	18,685,015	4,844,515	10,159,020	2,996,280
1828	21,980,710	9,198,140	19,818,777	3,762,493	10,347,290	2,749,710
1829	19,870,850	9,553,960	19,736,665	5,648,085	6,835,020	2,794,960
1830	20,050,730	10,763,150	20,038,890	4,165,500	9,171,000	2,561,510
1831	19,600,140	11,213,530	19,927,572	5,281,408	8,217,050	2,612,360
1832	18,051,710	8,937,170	18,497,448	5,836,042	5,293,150	2,637,760

Average Quarterly Account of the Liabilities, Assets, and Surplus or Rest, of the Bank of England, as ordered by the Act 3 & 4 Will. IV. cap. 98.

	Notes in Circulation.	Deposits.	Securities.	Bullion.	Rest, or Surplus Capital.
1834.	*L.*	*L.*	*L.*	*L.*	*L.*
January 1.	18,216,000	13,101,000	23,596,000	9,948,000	2,207,000
April 1.	19,097,000	14,011,000	25,970,000	9,431,000	2,293,000
July 1.	18,895,000	15,096,000	27,593,000	8,695,000	2,261,000
September 23.	19,126,000	14,754,000	28,691,000	7,695,000	2,506,000
December 18.	18,304,000	12,256,000	26,362,000	6,720,000	2,522,000
1835.					
January 15.	18,012,000	12,585,000	26,390,000	6,741,000	2,534,000
April 7.	18,591,000	11,289,000	16,328,000	6,329,000	2,677,000
June 30.	18,315,000	10,954,000	25,678,000	6,219,000	2,628,000
September 22.	18,240,000	13,230,000	27,888,000	6,261,000	2,679,000
December 15.	17,821,000	17,729,000	31,048,000	6,626,000	2,624,000
1836.					
January 12.	17,262,000	19,169,000	31,954,000	7,076,600	2,599,000
April 5.	18,063,000	14,751,000	27,927,000	7,801,000	2,914,000
July 1.	17,899,000	13,810,000	27,153,000	7,362,000	2,806,000
September 22.	18,147,000	14,118,000	29,406,000	5,719,000	2,860,000
December 15.	17,361,000	13,350,000	28,971,000	4,545,000	2,825,000
1837.					
January 10.	17,422,000	14,354,000	30,365,000	4,287,000	2,876,000
April 4.	18,432,000	11,192,000	28,843,000	4,071,000	3,263,000
June 27.	18,202,000	10,424,000	26,932,000	4,750,000	3,056,000
September 19.	18,814,000	11,093,000	26,605,000	6,303,000	3,001,000
December 12.	17,998,000	10,195,000	22,727,000	8,172,000	2,706,000
1838.					
January 12.	17,900,000	10,992,000	22,606,000	8,895,000	2,609,000

N. B. — The rest is found by adding together the circulation and deposits, and deducting their amount from the amount of the securities and bullion.

An Account of the aggregate Number of Notes circulated in England and Wales by Private Banks, and by Joint-Stock Banks and their Branches, distinguishing Private from Joint-Stock Banks. From Returns directed by 3 & 4 Will. IV. c. 83.

Quarters ended	Private Banks.	Joint-Stock Banks.	Total.
1833. December 28.	8,836,803	1,315,301	10,152,104
1834. March 29.	8,733,400	1,458,427	10,191,827
— June 28.	8,875,795	1,642,887	10,518,682
— September 27.	8,370,423	1,783,689	10,154,112
— December 28.	8,557,655	2,122,173	10,659,828
1835. March 28.	8,231,206	2,188,954	10,420,160
— June 27.	8,455,114	2,484,687	10,939,801
— September 26.	7,912,587	2,5[illegible]036	[illegible]93
— December 26.	8,334,863	2,7[illegible]	
1836. March 26.	8,353,894	3,[illegible]	
— June 25.	8,614,132	3,[illegible]	
— September 24.	7,764,824	3,[illegible]	
— December 31.	7,753,500	4[illegible]	
1837. April 1.	7,275,784	3[illegible]	
— July 1.	7,187,673	[illegible]	
— September 30.	6,701,996	[illegible]	
— December 30.	7,043,470	[illegible]	

2. Weights and Measures. — The inconvenience attending the use of weights and measures of the same denomination, but of different magnitudes, was early remarked; and there is hardly a country in which efforts have not been made to reduce them to the same uniform system. Numerous acts of parliament have been passed having this object in view, and enjoining the use of the same weights and measures under very severe penalties. But, owing to the inveteracy of ancient customs, and the difficulty of enforcing the new regulations, these statutes have always had a very limited influence, and the greatest diversity has continued to prevail, except in lineal measures. But the statute 5 Geo. 4. cap. 74. seems to have at length effected what former statutes had failed of accomplishing. It is, perhaps, indebted for its success, in this respect, to the limited nature of the changes which it introduced. It made no alteration in the lineal measures previously in use; neither did it affect the previously existing system of weights. The measures of capacity are the only ones which it changed. The wine gallon formerly contained 231 cubic inches, and the ale gallon 282; but these have been both superseded by the imperial gallon, which contains 277¼ cubic inches.

Our ancient historians tell us that a new, or rather a revised, standard of lineal measure was introduced by Henry I., who ordered that the ulna or ancient ell, which corresponds to the modern yard, should be made of the exact length of his own arm, and that the other measures of length should be raised upon it. This standard has been maintained without any sensible variation. In 1742, the Royal Society had a yard made, from a very careful comparison of the standard ells or yards of the reigns of Henry VII. and Elizabeth, kept at the Exchequer. In 1758 an exact copy was made of the Royal Society's yard; and this copy having been examined by a committee of the House of Commons, and reported by them to be equal to the standard yard, it was marked as such. This identical yard is declared by the act 5 Geo. 4. cap. 74. to be the standard of lineal measure in Great Britain; and provision is made in the act for its recovery, in the event of its being lost, by declaring that its length is to that of a pendulum vibrating seconds in the latitude of London as 36 to 39·1393 inches.

1. *Lineal Measure*, deduced from the Standard Yard.*

Inches.	Links.	Feet.	Yards.	Pole or Perch.	Chains.	Furlong	Mile.
1							
7·92	1						
12	1·515	1					
36	4·545	3	1				
198	25	16½	5½	1			
792	100	66	22	4	1		
7,920	1,000	660	220	40	10	1	
63,360	8,000	5,280	1,760	320	80	8	1

Among mechanics, the inch is usually divided into eighths; but in scientific investigations it is mostly divided into tenths, hundredths, &c. A degree of the equator contains 69·15 English miles. The English foot = ·3048 metres of France = ·984 feet of Berlin = 1·064 feet of Hamburgh = ·927 feet of Lisbon = ·972 Rhineland feet = ·8727 feet of Russia = 1·078 feet of Spain = ·9638 feet of Vienna, &c.

Superficial Measure, deduced from the Standard Yard.

Inches.	Links.	Feet.	Yards.	Pole or Perch.	Chains.	Rds.	Acr.
62·726	1						
144	2·295	1					
1,296	20·661	9	1				
39,204	625	272¼	30¼	1			
627,264	1,000	4,356	484	16	1		
1,568,160	25,000	10,890	1,218	40	2½	1	
6,272,640	100,000	43,560	4,840	160	10	4	1

The imperial acre is to the Scotch acre as 1 to 1·261, and the Irish, or plantation, acre contains 1 acre 2 roods and 19 $\frac{31}{191}$ poles; hence 30¼ Irish are equal to 49 imperial acres, or the imperial acre is to the Irish acre as 1 to 1·62. One imperial acre = ·4046 hectares of France — 1·561 morgen of Prussia = ·7025 joch of Austria, &c.

2. *Measures of Capacity. — Imperial Liquid and Dry Measure*, deduced from the Standard Gallon, containing 10 lbs. Weight of Distilled Water, at the temperature of 62°, Barometer 30 inches.

Weight of Water.	Cubic Feet.	Cubic Inches.	Gills.	Pints.	Quarts.	Pottles.	Gallons.	Pecks.	Bushels.	Cooms.	Quarter.
5 oz.		8·665	1								
lbs. 1¼		35·659	4	1							
2½		69·318	8	2	1						
5		138·637	16	4	2	1					
10		277·274	32	8	4	2	1				
20		554·548	64	16	8	4	2	1			
80	1·2837	2,218·191	256	64	32	16	8	4	1		
320	5·1347	8,872·763	1,024	256	128	64	32	16	4	1	
640	10·2694	17,745·526	2,048	512	256	128	64	32	8	2	1

The old wine gallon contained 231, and the old ale gallon 282, cubic inches. The dimensions of the imperial bushel are — the outer diameter 19½ inches, the inner diameter 18½ inches, and the depth 8¼ inches. The Winchester bushel, which used to be the most common measure for corn in England, contained 2,150·42 cubic inches, being about $\frac{1}{32}$ part less than the Imperial bushel. The quarter of 8 bushels standard measure = 2·907 hectolitres of France = 5·29 bushels of Berlin = 2·76 bushels of Hamburgh = 4·728 metzen of Vienna = 1·45 chetwerts of Russia, &c.

3. *Measures of Weight.* — *Troy Weight*, deduced from the Standard Troy Pound of 5,760 grains.

Troy Grains.	Dwts.	Ounces.	Pound.
24	1		
480	20	1	
5,760	240	12	1

Gold, silver, platina, jewels, &c. are weighed by troy weight. It is likewise used in ascertaining the strength of spirituous liquors, and other philosophical experiments, and for comparing different weights with each other.

The pound troy = 373·202 grammes of France = ·755 lbs. of Amsterdam = 1·597 marcs of Berlin = ·77 lbs. of Hamburgh = ·3732 kilogrammes (French) = ·9116 lbs. of Russia = 1·622 marcs of Spain = 1·33 marcs of Vienna, &c.

A carat is a weight of 4 troy grains. When this term is applied to gold, it denotes its degree of fineness. Any quantity of gold is supposed to be divided into 24 parts or carats: if the whole mass be pure, it is said to be 24 carats fine; if there be 23 parts of pure metal and 1 part of alloy, it is called gold of 23 carats fine; and so on.

Diamond Weight.

Diamonds and pearls are also weighed by carats of four grains; but 5 diamond grains are only equal to 4 troy grains. This weight is nearly the same all over the globe, — 1 oz. troy is equal to 150 diamond carats.

Apothecaries' Weight.

20 troy grains	=	1 scruple.
3 scruples	=	1 dram.
8 drams	=	1 ounce.
12 ounces	=	1 pound, 5,760 troy grains.

The apothecaries' pound and ounce are the same as the troy pound and ounce, but the smaller divisions are different. This weight is used in medical prescriptions only.

Apothecaries' Fluid Measure.

1 fluid minim	=	-	0·0037 cub. inch.
60 fluid minims	=	1 fluid dram,	0·2256 —
8 fluid drams	=	1 fluid ounce,	1·8047 —
16 fluid ounces	=	1 fluid pint,	28·8750 —
8 fluid pints	=	1 gallon,	231·0000 —

Avoirdupois Weight,

Deduced from the Imperial Standard Pound of 7,000 Troy Grains.

Troy Grains.	Drams.	Ounces.	Pounds.	Stones.	Quarters.	Hundred Weights.	Ton.
27·34375	1						
437·5	16	1					
7,000	256	16	1				
98,000	3,584	224	14	1			
196,000	7,168	448	28	2	1		
784,000	28,627	1,792	112	8	4	1	
15,680,000	573,440	35,840	2,240	160	80	20	1

The statute 5 and 6 Will. 4. cap. 63. enacts, that all articles sold by weight are to be sold by avoirdupois weight, except gold, silver, platina, diamonds, or other precious stones, which may be sold by troy weight; and drugs, which, *when sold by retail*, may be sold by apothecaries' weight. The stone is in *all* cases to consist of 14 lbs. avoirdupois, the cwt. of 8 such stones, and the ton of 20 such cwts.

The pound avoirdupois = 453·544 grammes of France = ·97 lbs. of Berlin = ·908 lbs. of Copenhagen = ·9363 lbs. of Hamburgh = ·50796 kilogrammes (French) = 1·11 lbs. of Russia = ·8097 lbs. of Vienna, &c.

Bread and Flour Weight.

4 lbs. 5½ ounces	avoirdupois	=	1 quarter loaf.
8 lbs. 11 ounces	ditto	=	1 half peck ditto.
17 lbs. 6 ounces	ditto	=	1 peck loaf.

Note. — A peck of flour is 14 lbs.; a bushel of flour is 56 lbs.; a boll 140 lbs. A sack, or 3 bushels, is 280 lbs., or 2½ cwt. avoirdupois.

Hay and Straw Weight.

36 lbs.	avoirdupois of straw	=	1 truss.
56 lbs.	ditto of old hay	=	1 truss.
60 lbs.	ditto of new	=	1 truss.
36 trusses		=	1 load.

Hence a load of straw weighs 11¼ cwt.; a load of old hay 18 cwt.; a load of new hay 19¾ cwt. avoirdupois.

By act 36 Geo. 3. cap. 88., each truss of hay, sold between 31st of August in any year and 1st of June in the succeeding year, must weigh 56 lbs.; and every truss of hay sold between 1st of June and 31st August, being new hay of the summer's grass of that year, shall weigh 60 lbs. But by the act 5 & 6 Will. 4. cap. 63. all local and customary measures are abolished.

Wool Weight.

7 lbs. avoirdupois	=	1 clove.	6½ tods	=	1 wey.
14 lbs. or 2 cloves	=	1 stone.	2 weys	=	1 sack.
2 stones	=	1 tod.	12 sacks	=	1 last.

A pack of wool is 12 score, or 240 lbs. avoirdupois. In Gloucestershire, 15 lbs. made a stone of wool; while in Hertfordshire the stone was only 12 lbs.; but, as already stated, these local weights are now abolished.

3. Roads. — Highways of one sort or another must, of course, exist in every country emerged from barbarism; but in England, the statute 2 & 3 Philip and Mary, c. 8., is the first legislative enactment in which a regular provision was made for the repair of the roads. At common law every parish was bound to keep the roads that intersect it in good serviceable condition. But until the epoch now mentioned, this duty, not being devolved upon any particular person, was very much neglected. The preamble to the act of Philip and Mary declares, that the roads were tedious and noisome to travel on, and dangerous to passengers and carriages; and, therefore, it enacts that in every parish two surveyors of the highways shall be annually chosen by the inhabitants in vestry assembled, and that the inhabitants of all parishes shall be obliged, according to their respective ability, to provide labourers, carriages, tools, &c., for *four* days each year, to work upon the roads under the orders of the surveyors. This system, though in many respects very defective, was justly regarded at the time as a very great improvement. The great lines of road have, indeed, been long exempted from its operation; but the construction,

repair, and police of the cross or parish roads through England continue to this day to be regulated on the principles laid down in the above act.

The plan of making and repairing roads by contributions of forced labour, though established in most other European countries as well as England, is, in all respects, one of the worst that can be imagined. Its defects were long since perceived, and individuals subject to such contribution were allowed to compound with the surveyors on payment of certain rates. This system, is now, however, wholly abandoned. In 1835 the laws relating to cross or parish roads in England were consolidated by the statute 5 & 6 Will. 4. c. 50. This act authorises the surveyor, appointed by the vestry, to levy a rate on the parish, on the basis of the assessment for the poor; and it further authorises the rate-payers, if a majority of them shall see fit, to divide among themselves the carriage of the materials for the repair of the roads, being paid for such work at the discretion of the justices. Hence, the rate-payers who now engage to work upon the roads are as much voluntary contractors as if they belonged to another part of the country, and had nothing to do with the assessment. The surveyors are elected for a year, and may either be paid or not. A number of parishes may unite and appoint a district surveyor; and in populous parishes, or those having more than 5,000 inhabitants, a board may be appointed for the superintendence and repair of the highways. Every highway leading to any market town must be 20 feet wide at least; and every public horseway 8 feet at least. The justices may, at the expense of the parish or district, increase the width of any highway they reckon too narrow, to the breadth of 30 feet, but not more. Directions are also given for the setting up of sign-posts, milestones, &c.

This system has some good and some defective points. It is reasonable to suppose, inasmuch as the surveyor is appointed by the vestry, or principal inhabitants in a parish, by whom also the rate for the construction and repair of the roads must be principally paid, that they will be anxious to select the best individual, to proscribe every useless expense, without at the same time allowing the roads to get into a bad state. On the other hand, however, the business of road-making requires considerable scientific skill and practical experience; and the roads of one parish ought to be so combined with those of others as to form part of a consentaneous system. But the parochial surveyors are mostly very deficient in the knowledge of their business, of the principles of which they, in general, know nothing; and, from the want of any combined system, the roads in one parish are frequently very good, while those uniting with them, in the adjoining parishes, may be very bad. It is easier, however, to point out defects than to suggest any efficient remedy. Perhaps the best thing that could be done would be, to provide for the uniting of parishes into districts of considerable extent; and to restrict the choice of surveyors to persons who had been found qualified, upon examination by competent authority, to undertake the duty.

The system established by the act of Philip and Mary was improved and consolidated by acts passed in the reigns of Elizabeth and James I., and for a time answered pretty well. But the great increase

of wealth and population that took place during the reigns of James I. and of Charles I. and II. having led to a great increase of travelling and the employment of many pack-horses, wheel-carriages, &c., the old system was found to be quite inadequate for the keeping up and repair of the great roads, particularly in the vicinity of London. In consequence a new plan for raising a revenue for the construction and repair of the roads, by imposing tolls, payable at toll-gates (called turnpikes), was introduced by the act of 26 Charles 2. c. 1., which imposed tolls on all travellers by the Great Northern Road passing through Hertfordshire, Cambridgeshire, and Huntingdonshire. This system, however, was for a lengthened period exceedingly unpopular; and it was not till after the peace of Paris, in 1763, that turnpike roads began to be extended to all parts of the kingdom; and that the means of internal communication began, in consequence, to be signally improved. The turnpike roads of England and Wales extend, at present, to the distance of above 23,000 miles!

The usual method in constructing a turnpike road is to place it, if it be only for a short distance, under the management of a set of trustees; but if its length be considerable, it is usually placed under the management of various sets of trustees, each set being entrusted with the care of a certain portion. The trustees are appointed by act of parliament; and in general consist, not merely of the proprietors of the estates through and contiguous to which the road passes, but also of the principal farmers and most opulent tradesmen in the vicinity. All details, with respect to the construction and repair of turnpike roads, are committed to the care of surveyors, appointed by and acting under the orders of the trustees.

The trustees may borrow money on security of the tolls and other revenues under their control. By this means they are enabled to complete, without delay, an undertaking that it might otherwise be impossible to accomplish for many years. This expedient is, in consequence, often resorted to. Most trusts, are, indeed, largely indebted. Exclusive of a large amount of floating debt, the debt secured by mortgage of tolls, &c. on the turnpike roads of England amounted, in 1829, to 5,578,815*l.*!

This system has some very obvious defects. The trustees are too numerous, and seldom act on any well-considered systematic principle: they too often appoint incompetent surveyors; their accounts are not subjected to any examination, nor do they act under any sufficient responsibility; and, owing to the number of trusts on the same road, it is frequently, in different parts, in a very different state of repair. Sir Henry Parnell has suggested means for obviating these defects. Of these, the principal seem to be the obliging of the trustees to select by ballot a small committee from among themselves, to whom the management of the revenue and all that belongs to the trust, including the appointment and dismissal of surveyors, should be committed. Sir Henry farther suggests that all sets of trustees should be obliged to forward statements of their accounts and proceedings to the Commissioners of Land Revenue, who should be authorised to appoint engineers to examine into the state of the roads, and in some degree to control the management of the different trusts. The carrying of

some such suggestions into effect would, no doubt, be in various respects an improvement on the existing system. But we should, notwithstanding, be extremely jealous of any plan that tended to bring the management of the turnpike roads under the control of any single board. Such a plan would most likely lead to the improvement of the great lines of road, and we shoud not object to its being applied to them. But if *all* turnpike roads were subjected to such control, it is abundantly certain that the same thing that has happened in France would happen here; that is, that a few great roads would be kept in good order, while the other roads, though of hardly less importance, would be comparatively neglected.

State of the Roads. — Though vastly improved, as compared with their condition about the middle of last century, when, indeed, they were in various places all but impracticable for wheeled carriages, many of the turnpike roads continued down to a very late period to be, and some are still, in a very bad state. Recently, however, they have been much improved; and a few have been constructed on the most approved principles. The road from London to Holyhead is one of these, and is, without doubt, the best in the kingdom. It was not formed under the superintendence of road trustees, but of parliamentary commissioners, appointed for the purpose, who employed Mr. Telford, as their engineer. But, with this, and a few other exceptions, most of the existing roads are far from being in the state that might be expected, and in which, indeed, they ought to be. The principal defect consists in their unevenness, for, instead of being carried round, they are, even where the distance saved is nothing, or but inconsiderable, mostly carried over hills. Besides this defect, "the breadth of a road is seldom defined to a regular number of feet, by straight and regular boundaries, such as fences, footpaths, mounds of earth, or side channels. The transverse section of the surface when measured is rarely to be found of a regular convexity. The surface of all the roads, until within a few years, was every where cut into deep ruts; and even now, since more attention has been paid to road works, though the surface is smoother, the bed of materials which forms it is universally so thin, that it is weak and, consequently, exceedingly imperfect. Drainage is neglected; high hedges and trees are allowed to intercept the action of the sun and wind in drying the roads; and many roads, by constantly carrying away the mud from them for a number of years, have been sunk below the level of the adjoining fields, so that they are always wet and damp, and extremely expensive to keep in order, owing to the rapid decay of the materials laid upon them." *

The following rules for the construction of roads have been deduced from the treatise, now referred to, of Sir Henry Parnell, on roads, admitted on all hands to be the most complete and able work hitherto published on this important department of national economy:—1st, Where practicable, an even line should be always selected; and where it is departed from, the acclivity should not, if possible, exceed 1 foot in 35 or 40. 2dly, The road should be made of a regular uniform width, and properly fenced off. 3dly, A road which is likely to be

* *Treatise on Roads*, by Sir Henry Parnell, Bart. M. P., p. 27.

much used, particularly by heavy carriages, should always be constructed with a foundation or bottoming of large stones, laid in the form of a pavement, over which should be spread a thick covering of stones, broken small. 4thly, The surface of the roads should be uniform, smooth, and convex. And 5thly, The road should be raised above the level of the surrounding ground, and kept thoroughly dry by proper drains, having sufficient outlets for their water.

1. Summary Statements as to the Turnpike Roads, and other Highways, of England and Wales in 1812, 1813, and 1814. — (*Parl. Paper*, No. 431. Sess. 1818.)

	1812.	1813.	1814.
	M. F. P. Y.	M. F. P. Y.	M. F. P. Y.
Length of the public highways used for wheeled carriages: —			
Length of paved streets and turnpikes	19,728 1 29 5	19,746 3 37 4	19,791 4 25 4½
Length of all other highways	95,063 2 37 1	95,104 4 11 2	95,145 7 9 2½*
Total length of the public highways - 114,864 miles.	L. s. d.	L. s. d.	L. s. d.
Estimated value of labour performed in kind	515,508 4 10½	530,521 10 4½	551,241 5 4†
Amount of composition money paid for labour	271,512 9 10½	276,947 5 11	287,059 0 5¾
Amount of rates levied	570,753 18 1½	613,604 2 0¾	621,504 12 3¾
Amount of money expended in law and other expenses, occasioned by presentments	21,499 1 4¾	26,252 14 4½	25,700 3 0½
Total expenditure in labour and money	1,345,674 4 0	1,414,350 4 10½	1,454,503 9 10½

2. Summary Statements as to the Turnpike Roads of England and Wales in 1829. —(*Parl. Paper*, No. 703. Sess. 1833.)

Length of turnpike roads	miles 19,798
Number of turnpike trusts	1,119
Acts of parliament passed	3,785
Toll gates	4,871
Debts	L. 7,304,903
Income in 1829.	
Income from tolls	L. 1,309,014
—— parish compositions received	159,915
—— fines	288
—— incidental causes	38,648
Rents of toll gates and parish compositions due, but unpaid — Tolls	39,542
Rents of toll gates and parish compositions due, but unpaid — Parish compositions	7,884
Total income for the year	L. 1,455,291

3. Expenditure and Income of the Turnpike Roads and other Highways in England and Wales in 1834.

Interest paid on mortgage debt	L. 289,377
Manual labour	384,433
Team labour, improvements, materials, and contracts	633,243
Land purchased, or damages paid for in getting materials	30,904
Salaries to clerks, surveyors, &c., law bills, printing, advertising, and incidental charges	180,989
Estimated value of statute labour	73,758
Current expenditure of the several turnpike trusts for 1834	L. 1,593,904
Current income, exclusive of balances in hands of treasurers, and of money borrowed on security of tolls	1,600,400
Excess of income over expenditure	L6,496

Scotch Roads. — The principal roads in Scotland are turnpike roads, and the acts in relation to them are similar to those of England; "but in consequence of the excellent materials which abound in all parts of Scotland, and of the greater skill and science of Scotch trustees and surveyors, they are superior to the turnpike roads of England." — (*Parnell*, p. 313.)

The provision for repairing roads and bridges in Scotland originally consisted, as in England, of the compulsory or statute labour of the inhabitants, with their horses, carts, &c., for three days before,

* It is probable, though we are not quite certain of the fact, that these are computed, not actually measured lengths. They cannot, however, differ materially from the true measurement.

† This was mostly expended on the cross or parish roads.

and three days after harvest. And in the reign of George I. it was enacted (5 G. 1. c. 30.), that in the event of the statute labour not being sufficient for the repair of the highways, an assessment, not exceeding ½ per cent. on the valued rent, might be imposed on landed property to make up the deficiency. The administration of all highways that are not turnpike roads, or included under the modern county acts, is committed, by the old law of Scotland, to the justices of the peace and the commissioners of supply—that is, to the justices and the proprietors of lands worth 100*l.* Scotch and upwards, of valued rent. Two general meetings of these justices and commissioners are held yearly in each county, for the regulation of all matters concerning the highways. The meetings are empowered "to set down a particular list of highways, bridges, and ferries within their bounds, and to divide the parishes of the said bounds, as they lie nearest to the several highways to be repaired, and as they may have the most equal burdens; and to appoint such of their number, or others, overseers of such parts and portions of the said highways as are most convenient and nearest to their ordinary residence; and to nominate such of their number as they see fit to survey and give an account of the highways, bridges, and ferries, unto the rest; with powers to them to appoint meetings, from time to time, till the survey, list, and division of the said highways be closed."—(*Act*, 1669, *c.* 10.)

But since 1750 this system has been much modified. At that period, the roads of Scotland were in the most wretched state imaginable, being, in fact, in most places, mere horse-paths, and these practicable only at certain seasons of the year. After the country began to improve, and wealth to increase, the necessity of adopting some more efficient system for the repair of the roads became obvious. In consequence, acts of parliament were obtained, authorising the formation of the turnpike roads, and regulating the amount of toll to be charged on those using them.* Since then, also, most of the Scotch counties have obtained local acts, by which the statute labour is commuted for a fixed money payment, and power is given to impose assessments on landed property; but the rates of commutation, and the maximum of assessment, differ in different counties, according to the varying circumstances of each. By these acts the administration of all matters relating to the roads is vested in trustees. The sheriff's depute and substitute, and all persons in the commission of the peace, are appointed trustees: with all individuals, and their eldest sons, being owners of estates worth 100*l.* Scotch a year, and upwards, of valued rent; one guardian or trustee of all minors possessing such property; and the provost and the two eldest baillies of every burgh. The act usually divides the county into districts; the trustees residing in each district being appointed to manage the roads contained in it.

The district trustees, at their meetings, prepare statements and estimates, which are laid before the general meeting of the trustees of the county.

* The first of these acts, the 23 G. 2. c. 17., was passed in 1750. It was for the repair of the great post road from Douglas Bridge to the town of Haddington, and thence to Ravenshaugh Burn, in the county of Haddington.

The latter have power to order an assessment to be made on the occupiers of lands, not exceeding the amount prescribed in the act.

The proceedings of the trustees of the districts, at their meetings, are subject to the direction, revision, and control of the general meetings.

The trustees of the district meetings appoint surveyors of the roads in their districts, with salaries.

Sufficient powers are given to the trustees for obtaining land and materials, and for making, widening, and repairing roads, and building bridges.

According to Sir Henry Parnell, this system of managing the highways has the following advantages over the English system of parish management: —

" 1st. A more efficient governing authority is provided.

" 2dly. The obstacle to a uniform and efficient management of the roads, which the small divisions of parishes occasion, is obviated, by giving the general management of all the roads of a county to the general meetings of the trustees.

" 3dly. The funds for maintaining the roads are derived from a regular assessment on the lands, instead of by statute labour.

" 4thly. The surveyors are appointed permanently, and with fixed salaries.

" The experience of the manner in which the new Scotch system has worked fully establishes its great superiority over the old Scotch system, which still exists in some counties, and over the English parish system; and leads to the conclusion that it is expedient to make it universal in Scotland, and substitute it in England instead of the English system." —(P. 315.)

It is not easy, indeed, for those unacquainted with the country to imagine the extraordinary improvement that has been effected in the roads of Scotland within the last half century. Many of them have been planned with great skill; and, notwithstanding the comparatively rugged, uneven surface of the country, they are, for the most part, more level than the English roads. It is not going too far to say, that, from being about the very worst, the roads of Scotland have become about the very best of any in the world.

Highland Roads.—Besides the roads constructed in Scotland under the system now described, a large extent of excellent road has been formed, either wholly or partly, at the public expense, and under a different system of supervision. During the rebellion of 1715 the royal troops were unable, from the want of roads and the impracticable nature of the country, to advance beyond Blair in Athol; and, to obviate this inconvenience in future, government soon after began to employ part of the troops quartered in Scotland in the construction of military roads in different parts of the Highlands, which, when finished, extended in all to about 800 miles. Unluckily they were not well planned: being for the most part carried, wherever it was practicable, direct from place to place, they were necessarily hilly, and were, also, too narrow. About the commencement of the present century, it became a question whether it was worth while for government to continue to defray the expense of keeping these roads in

repair. But, though it was ascertained that they were no longer of any material use as military roads, they were found to be of the greatest importance as affording a means of communication; and the inquiries then set on foot impressed government with a conviction, that nothing would contribute so much to the improvement of the Highlands as their intersection with good roads. But, this being an undertaking that exceeded the limited means of the proprietors and inhabitants, parliamentary commissioners were appointed, who were authorised to decide upon the roads proper to be constructed, and to superintend their execution; the public agreeing to defray half the cost of such roads, the other half being defrayed by the proprietors, or other persons benefited thereby. The measure has been most successful. "The Highland counties were prompt to the call, in contributing their quota. The whole amount of parliamentary advances, including interest, has been 267,000*l.*, and the county advances 214,000*l.*; they being only liable for half the expense of making the roads, the expense of general management falling on the public. About 60,000*l.* beyond these sums have been defrayed by individuals; so that about 540,000*l.* have been expended upon the Highland parliamentary roads. The length of new roads formed by this joint fund has been 875 miles, and the number of bridges of all kinds 1,117. With the exception of 148 miles in Argyle and Bute, these parliamentary roads lie almost wholly in Inverness-shire and the northern counties."—(*Anderson's Highlands*, p. 60.) The operations were conducted by Mr. Telford; and, though the region which the roads traverse be the most mountainous and rugged in the empire, they have been laid out with so much skill and judgment, that the acclivities are almost every where moderate.

Since the parliamentary roads were undertaken, a large portion of the old military roads has been allowed to fall into disrepair; but nearly 300 miles of them are still kept up. In 1814 they were placed under the control of the parliamentary commissioners, who have now about 1,200 miles of road under their care. The total charge on account of repairs, &c. amounts to about 10,000*l.* a year.

It would not be easy to enumerate the advantages that have resulted from the construction of these roads. They have done more than any thing else that could have been done to promote the improvement of the Highlands.—(Vol. I. p. 311.) The proprietors have made very great exertions to extend the advantages of improved communication to districts removed from the parliamentary roads. In the county of Sutherland only, about 350 miles of road have been constructed, at the expense of the county, since 1810, exclusive of the parliamentary roads.

Summary Statements as to the turnpike roads of Scotland in 1829.—(*Parl. Paper*, No. 703. Sess. 1833, p. 176.)

Length of turnpike roads	miles 3,606	Debts	*L.* 1,495,082
Number of turnpike trusts	190	Income from all sources	187,584
Acts of parliament	394	Expenditure	181,028
		Excess of income above expenditure	6,556

Irish Roads.—The roads of Ireland are, generally speaking, well laid out, and in a good state of repair. This result is ascribed, by Sir Henry Parnell, to the abolition of the old system of statute labour

in 1763, and the placing of the construction and administration of roads under the control of the grand juries. The method of proceeding is as follows:—Any person who wishes to have a new road constructed, presents a memorial to the grand jury at the assizes, with an affidavit of its necessity. A deliberation then takes place upon the subject, and, if the grand jury allow the presentment, the road is either made or repaired, as the case requires: the accounting presentment is sworn to, and must receive the sanction of the judge. Mail coach roads are determined upon by the postmaster-general, and the expense is defrayed by a tax on the county. The money for other roads is raised by a baronial tax, each barony paying the expense of the roads within its boundaries.—(*Wakefield's Ireland,* vol. i. p. 657.)

Besides the roads constructed under the above regulations, a considerable extent of road has, within these few years, been constructed in different parts of the country, at the public expense, under the superintendence of the Board of Public Works. These roads are said to have been productive of the best effects; but it seems unreasonable that those through whose property they pass, and who are principally benefited by them, should contribute nothing towards the expense of their construction, and of keeping them in repair.

RAIL-ROADS.

Exclusive of the means of communication by the common roads now described, and by canals, rail-roads have lately engaged a large share of the public attention, and will, most likely, be established, at no distant period, between all the great towns of the empire, where the ground is at all practicable. They are made either of wood or iron; but those only that are made of the latter could be advantageously constructed in this country. The friction on a well-made and *perfectly level* rail-road, having iron rails on which the wheels of the carriages run, is only from one seventh to one tenth part of the friction on one of the best made of the common roads; and as this is the only resistance to be overcome, it is plain that a horse or a locomotive engine will draw from seven to ten times the load on a level railway that it could on a common road. But any deviation from a perfectly level line materially affects this result; for gravity being proportioned to the load, when it is brought into operation by the carriage having to be moved up an inclined plane, its resistance is from seven to ten times greater than upon a common road. Hence it is essential to the success of railways that they should be level, or as nearly so as possible.

Iron rail-roads began to be constructed soon after 1797, in Shropshire, and in various parts of South Wales. But the public did not become fully aware of their vast importance, as means of communication, till after the opening of the railways between Stockton and Darlington, and Manchester and Liverpool, but especially the latter. The length of the Liverpool railway is 31 miles; and the fact that passengers were regularly conveyed that distance, in carriages drawn by locomotive engines, in from 1¼ to 1½ hours, produced an extraordinary sensation. The advantages likely to be derived from the extension of the system to other parts of the country have, we believe,

been a good deal exaggerated. But, after every reasonable deduction has been made from the too sanguine anticipations of the projectors of rail-road schemes, there can be no doubt that a new æra has commenced in travelling; and that, wherever the ground will admit, all considerable towns, not very remote from each other, or which have an extensive intercourse, will be connected by railways.

The railway from London to Birmingham, and from the latter to Manchester, is now nearly finished, and is one of the longest and most important in the empire. It has cost an immense sum; but the magnitude of the places which it connects, and the vast intercourse carried on between them, will, no doubt, render it one of the principal thoroughfares in the kingdom. Hence, notwithstanding the great outlay upon it, shares in both divisions of the road, but especially in that between London and Birmingham, are eagerly sought after and bring a very high premium. The work is admirably executed, and does credit, not to the proprietors only, but to the nation.

Besides this great line, railways have been projected, and are now (1838) nearly completed, between London and Bristol, London and Southampton, &c. Numbers are also in the course of being made in other parts of the country. In 1834, 1835, and 1836, a vast number of acts for railways were passed; but it is doubtful whether several of them will ever be carried into effect. It would be premature to speculate as to the chances of their success; but the probability seems to be that, like canals, some of them will be exceedingly profitable; while others, and probably the greater number, will yield a very inadequate return. Their influence in facilitating travelling, reducing wages and prices in different districts to an equality, obliterating local prejudices and customs, and making the country, as it were, a homogeneous mass, cannot be too highly appreciated.

"In the summer of 1826 the ground for this great national work (the Manchester and Liverpool railway) was first broken upon Chat Moss; and in December, 1828, the expenses already incurred amounted to 461,899*l.* This sum was, in the progress of the work, and with the cost of warehouses, stations, carriages, and steam-engines required to conduct the carrying trade, swelled to 1,200,000*l.*, the whole cost of the original undertaking, the excess of expenditure over the estimate being made up by an additional call of 50*l.* per cent. upon the 100*l.* shares of the proprietors, and by loans from government amounting to 400,000*l.*

"The journey is now performed regularly by the first-class train, which does not stop to set down or take up passengers by the way, in 1½ hour! and by the second-class train in 2 hours! According to the authority principally relied upon for the information contained in this article, there travelled along the line of the Liverpool and Manchester railway, for various distances, from the 15th of September, 1830, when it was opened with great pomp, to the 31st of December, in the same year, upwards of 70,000 passengers, without personal injury to a single individual, excepting one man, who had his legs severely bruised by two carriages coming in contact.

"Of the success of this great public work, as a pecuniary speculation, it is only necessary to say, that the dividends declared ever since the first year of the opening to the present time have been 8 per cent.

per annum upon the 100*l.* shares, and for the last 5 half years, at the rate of 9*l.* per cent.; and that the original shares of 100*l.* are now (October, 1833) selling for 195*l.*" (*Baines's History of Lancashire.*)

We subjoin some particulars respecting the traffic carried on by this railway subsequently to its opening on the 16th of September, 1830.

	From 16 Sept. to 31 Dec. 1830.	1831.	1832.	1833.	1834.	1835.
Merchandise between Liverpool & Manchester - tons	1,433	88,089	116,069	138,090	142,099	155,562
Road traffic - - —	- - -	2,682	9,718	18,445	26,683	27,297
Between Liverpool and Bolton Juncture - - —	- - -	17,744	33,556	38,169	41,954	47,770
Coal - - - —	2,630	11,285	69,396	81,509	99,337	116,246
Passengers booked at the company's offices - number	71,951	445,047	356,945	386,492	436,637	473,647

In 1835 the directors ceased publishing the accounts of the traffic on the railway, so that we have no means of accurately stating its present amount. It is probable, however, that the ratio of its increase during the last three years, has not differed materially from that during the previous three years.

STATEMENT of the Revenue, Expenses (deducting the interest of loans), and Net Profit, of the Liverpool and Manchester Railway, for ten successive half years, from July 1. 1831, to June 30. 1836.

Years ending July.	Whole Revenue for each Half Year.	Expenses, deducting the Interest of Loans.	Net Profit, including Interest of Loans.	Ratio of Revenue to Profit.	Revenue per Annum.
	£ s. d.	£ s. d.	£ s. d.		£ s. d.
1832	89,809 2 0	46,288 11 2	43,520 10 10	1 to 484	164,515 18 1
	74,706 16 1	40,691 16 5	34,014 19 8	1 to 455	
1833	80,902 2 10	43,722 13 3	37,179 9 7	1 to 459	166,973 12 0
	86,071 10 2	47,532 17 4	38,538 12 10	1 to 447	
1834	97,234 10 1	51,209 15 5	46,024 14 8	1 to 473	192,019 2 1
	94,784 12 0	54,546 11 11	40,238 0 1	1 to 424	
1835	104,899 2 2	57,827 1 2	47,072 1 0	1 to 448	204,373 18 2
	99,474 16 0	54,936 4 8	44,538 11 4	1 to 447	
1836	117,956 3 6	62,939 2 8	55,017 0 10	1 to 466	227,311 3 6
	109,355 0 0	63,271 12 5	46,083 7 7	1 to 421	

The mean of these gives the following proportional numbers, viz. —
Revenue, 100; Expenses, 55; Profits, 45.

On examining the preceding table, it may appear extraordinary that, with an increased traffic and revenue of nearly 50 per cent., the profits of the last year should not be proportionally greater (they are actually less) than in the first years. Some part of the anomaly must be attributed to the relaying the road with heavier rails, which incurred in 1835-36, including the regular cost of maintenance, an expense of 5,749*l.* 5*s.* 2*d.*; but if this whole charge be added to the profit account, making it 51,832*l.* 11*s.* 9*d.*, still the ratio of revenue to profit would be 1 to 473, which is precisely that stated in the table for the fifth half year. Mr. Booth, the secretary of this road, offers some remarks on this point in his letter to the Irish Railway Commissioners, which it may be as well to give in his own words.

According to Mr. Booth, "the Liverpool and Manchester railway, in reference to its formation, and to its moving machinery, is yet far from being completed. From the opening of the railway to the pre-

sent time; and more especially for the last twelve or eighteen months, we have been in a state of transition; passing from the defective and imperfect in form and construction, to more improved forms, especially to increased strength in engines, coaches, and waggons. In the original formation of the road, imperfect rails, insufficient sleepers, and inadequate drainings, have been, and still are the cause of heavy and constant expenditure. Gradually these defects are in course of being remedied, but time and money are indispensable in this process; and the work of transition from wrong to right is far from being accomplished. Further time will be needed, and further sums must be expended. New railways will have a great advantage in this respect. In the formation of the road, in the mechanism of the engines, in the construction of the carriages, in every thing which constitutes the working of a railway, they will start at a point which we have not yet reached, or only in solitary instances. Under such circumstances, and with an improved system from the commencement, it seems reasonable to anticipate that, with an equal traffic, their comparative disbursements will be less: but how much less we have literally no experience to guide us." (*Irish Railway Report*, p. 101.)

The results of the opening of the railways from London to Birmingham, and from the latter to Manchester, seem, in so far as any inference can be drawn from present experience, to be equally satisfactory as those developed in the above statements.

So far as we can at present judge, rail-roads seem to be, in all cases, better suited for the conveyance of passengers than of goods. It is the opinion of Sir Henry Parnell, that "where the trade is altogether a *descending one*, and water scarce, they are preferable to canals, and may be constructed cheaper; but for general traffic over a wide extent of country, they do not afford as cheap a means of conveyance as canals."—(P. 107.)

The expense of rail-roads depends partly on the nature of the ground, and partly on the purposes for which they are made. Of course it must differ very widely; and while, in some instances, rail-roads have been constructed for 1,000*l.* a mile, in others they have cost about 40,000*l.*!

"It is stated in the *Quarterly Review* (No. 62. p. 363.), that the general average of a number of rail-roads, some tram-rails, others edge-rails, some of cast iron, others of wrought iron, of upwards of 500 miles extent, is as nearly as possible 4,000*l.* per mile, allowing them a double set of tracks; and the writer very justly remarks, from the imperfections of these old rail-roads, we may extend the average to 5,000*l.* per mile. Mr. Tredgold estimates the annual repair of a rail-road at 557*l.* per mile.

"Mr. Stephenson estimated the cost of making the rail-road, now in progress, from London to Birmingham at 2,500,000*l.*, or 21,756*l.* per mile; but other engineers have calculated the total expense at about 3,500,000*l.*, or at 30,400*l.* per mile." And it is now certain that it will cost at least 5,000,000*l.*, or double the original estimate.

"The annual expense of keeping a rail-road in repair depends much upon the velocity with which the waggons are drawn over it. Mr. Walker, in his Report to the Directors of the Manchester and Liver-

pool Rail-road, states that, as the speed with engines is greater than with horses, the injury is greater in case of any irregularity.

"It has been well ascertained, that rail-roads on which horses are employed are always found in much better order and repair than those on which locomotive engines are used. The relative expense of transporting goods upon canals, railways, and common roads, may be estimated as follows: — From various observations which have been made on the work actually performed by horses on several railways, it may be assumed, that the greatest effect produced by horses is 12 tons gross, drawn over a space of 20 miles per day; and as the waggons employed on railways are generally one third of the gross weight, the net weight of the goods carried will be 8 tons over 20 miles per day by 1 horse, or 160 tons over 1 mile, at the average velocity of 2 miles per hour. The expense may be taken at 2*d.* per ton per mile.

"On canals 1 horse will draw a boat containing 25 tons of goods over a space of 16 miles per day, at the speed of 2½ miles per hour; this is equivalent to $25 \times 16 = 400$ tons of merchandise carried over 1 mile per day, or two and a half times as much as on a railway. The actual expense of transporting goods by canal is only ½*d.* per ton per mile, including boat hire, steersman, wages, and horse power.

"In Scotland and Ireland, where the roads are made with broken stones, and where the practice is to use one-horse carts, the work which horses perform may be taken at 25 cwt., exclusive of the cart. But in England, where waggons are used, and the roads are not so hard, the work of horses may be taken at 15 cwt. In the latter case, the average cost is about 9*d.* per ton per mile, including the wear and tear of the carts, and the wages of the drivers. In some parts of the country the cost is 6*d.* per mile; but in other parts, as near London, it is 1*s.* The expense of carrying goods by locomotive engines on railways much exceeds that on canals, or on railways with horses.

"Since the opening of the Liverpool and Manchester railway, locomotive engines have been very much improved. On that line of railway, goods are carried at from 8 to 10 miles per hour for 4½*d.* per ton per mile; and passengers are carried at the same speed from Manchester to Liverpool, or *vice versâ*, for 3*s.* 6*d.*; and in the first class of carriages, with a velocity of from 15 to 20 miles per hour, for 7*s.*

"The locomotive engines cost, in the first instance, from 600*l.* to 1,000*l.*; the waggons for goods, about 40*l.*; and the carriages for passengers, about 200*l.* each. The locomotive engines are able to draw immense loads, but they are extremely expensive. The annual expense of each engine is estimated at 1,500*l.*, including wear and tear, and fuel, and attendance." — (*Parnell on Roads*, p. 107.)

The railways hitherto constructed in this country are private undertakings, and have been executed at the expense of individuals and of joint stock companies, in the same way as canals.

Conveyance of Letters. — The safe and speedy conveyance of letters by post is one of the greatest services rendered to the public by the formation of good roads. It does not really seem, though the contrary has been sometimes contended, that the business of the post-office could be so well conducted by any one else as by government. The latter alone can enforce perfect regularity in all its subordinate de-

partments; can carry it to the smallest villages, and even beyond the frontier; and can combine all its separate parts into one uniform system, on which the public may rely both for safety and despatch.

The tolls imposed to defray the cost of constructing and repairing turnpike roads, and the postage imposed on letters, are both unexceptionable taxes, provided they be restrained within moderate limits. It is but fair that those who travel along the roads, and those to whom letters are conveyed by post, should pay a reasonable sum for the accommodation that has thus been afforded to them. But oppressive tolls and postages obstruct that facility of communication and intercourse they are intended to promote; and are, in no ordinary degree, injurious.

Canals. — The comparative cheapness with which goods may be conveyed by the sea, or by means of navigable rivers, seems to have suggested, at a very early period, the formation of canals to the ancient Egyptians and other nations. In Great Britain, however, owing to the late rise of commerce and industry, and the insular situation of the country, no part of which is very distant from a navigable river, no attempt was made to construct canals till a comparatively recent period. Our first efforts for the improvement of internal navigation were directed to the deepening of rivers and removing the obstructions to their navigation. In 1635, a project was set on foot for rendering the Avon navigable from the Severn, near Tewksbury, through the counties of Warwick, Worcester, and Gloucester. The civil war having broken out soon after, the project was abandoned, and does not seem to have been again revived. But after the Restoration, and during the earlier part of last century, acts were at different times obtained for deepening and improving river navigation. For the most part, however, these attempts were not very successful. The current of the rivers gradually changed the form of their channels; the dykes and other artificial constructions were apt to be destroyed by inundations; alluvial sand-banks were formed below the weirs; in summer the channels were frequently too dry to admit of being navigated, while, at other periods, the current was so strong as to render it quite impossible to ascend the river, which at all times indeed was a laborious and expensive undertaking. These difficulties in the way of river navigation seem to have suggested the expediency of abandoning the channels of most rivers, and of digging parallel to them artificial channels, in which the water might be kept at the proper level by means of locks. The act, passed in 1755, for improving the navigation of Sankey-brook, on the Mersey, gave rise to a lateral canal of this description, about eleven miles and a quarter in length, which deserves to be mentioned as the earliest effort of the sort in England.

But before this canal had been completed, the celebrated Duke of Bridgewater, and his still more celebrated engineer, the self-instructed James Brindley, had conceived a plan of internal navigation, independent altogether of natural channels, and intended to afford the greatest facilities to commerce, by carrying canals over rivers and through mountains, wherever it was practicable to construct them.

English Canals. — The Duke of Bridgewater was the owner of an estate at Worsley, about 7 miles from Manchester, in which were valuable coal mines; but owing to the heavy cost of conveying the

coal by land carriage to Manchester, the demand for it was comparatively limited. Under these circumstances, the duke revived the idea that had been previously entertained of making Worsley brook navigable to the river Irwell, which was itself navigable to Manchester. But Brindley, who was fully aware of the superiority of canal navigation over that of almost any river, more especially of one so deficiently supplied with water as the Irwell, recommended his grace to construct a canal from Worsley to Manchester, and to carry it on the same level all the way, by means of an aqueduct 39 feet high over the Irwell. The duke having approved of this bold design, it was carried into effect, under the direction of Brindley, with wonderful skill and judgment, and the most perfect success. The canal was afterwards extended through Cheshire to Runcorn, at the bottom of the estuary of the Mersey, and has ever since been, notwithstanding the competition of the rail-road, the principal channel by which all sorts of heavy goods are conveyed between Liverpool and Manchester.

The opening of this canal was productive of vast advantage to the public, having immediately lowered the price of coal, in Manchester, to half its previous amount, and supplied a speedy, cheap, and regular channel of communication between that town and its port. It was happily, also, highly advantageous to its noble proprietor, who risked a large fortune on the enterprise.

The success that attended this project excited the public attention, in all parts of the empire, to the advantages that might be derived from such undertakings, and gave a wonderful stimulus to canal navigation. Brindley had early conceived the magnificent idea of joining the four great ports of Liverpool, Hull, Bristol, and London, by a system of grand canals, from which subsidiary canals might be carried to the contiguous towns; and though he died in 1772, at the premature age of 56, he had the satisfaction to see his projects considerably advanced towards completion.

The Grand Trunk Canal, or the canal intended to join the Trent and Mersey, — the first link in this great chain, — was planned by Brindley, and was partly constructed under his superintendence. It proceeds from the Duke of Bridgewater's Canal at Preston Brook, near Runcorn, in a south-east direction, by Middlewich and Burslem, till near Lichfield, where it turns north-east, joining the Trent at Wilden Ferry, on the north-west angle of Leicestershire. It is 93¼ miles in length. At Harecastle, on the confines of Cheshire and Staffordshire, it is carried under a pretty high hill by a tunnel 2,880 yards in length. This canal has been of vast advantage to the proprietors and the public. In the middle part, where smallest, it is 29 feet broad at top, 16 do. at bottom, and 4½ do. deep.

The Grand Trunk Canal has since been united, on the one hand, by the Birmingham and Fazeley, and the Birmingham and Worcester, canals, with the Severn at Worcester; and, on the other hand, the Coventry, Oxford, and Grand Junction canals, have united it with the Thames near Brentford, — completing the internal communication between the four great ports of the kingdom.

The navigation from the Mersey to the Humber, by the Grand Trunk Canal, is very circuitous and tedious. But other and shorter

lines of internal navigation have since been opened between them; and which connect, in fact, all the great manufacturing towns of Lancashire and of the West Riding of Yorkshire with each other, and with the ports of Liverpool and Hull. The first constructed of these lines stretches, by a route 130 miles in length, from Liverpool, by Skipton, to Leeds, where it joins the Aire and Calder navigation. This canal was begun in 1770, and was the boldest and most magnificent project of the sort that had been then attempted. It took 46 years to complete, and cost in all about 1,200,000*l*. The original line, which had been approved by Brindley, was, in several instances, departed from in the course of the work. The depth of water is about 5 feet. Notwithstanding its vast expense, and the competition of other lines, it has become, contrary to what was long anticipated, a profitable project for the subscribers. More direct channels of communication, joining the Mersey and Humber, have since been carried across the great central ridge, or high grounds, between Lancashire and Yorkshire, by the Rochdale and Huddersfield canals. The summit level of the latter, at the tunnel where it is carried under Standege Hill, is 656½ feet above the level of the sea, being the highest elevation of any canal in the kingdom. The tunnel referred to is 5,451 yards, above 3 miles, in length.

Exclusive of the communication, already noticed, between the Thames and Severn, these two rivers are directly united by three different lines of navigation. Of these, the most northerly is the navigation from Oxford to Lechlade, by the Isis; and from Lechlade to Stroud on the Severn, by the Thames and Severn Canal. The next, or middle navigation, is by the Wilts and Berkshire Canal, from Abingdon on the Thames to near Melksham, where it unites with the Kennet and Avon Canal, extending to Bath and Bristol. The last, or most southerly line, leaves the Thames at Reading. It consists partly of the river Kennet navigation, and partly of the Kennet and Avon Canal, now mentioned. This last is the most direct line of communication by water between London and Bristol; and is the channel by which most part of the bulky articles passing from the one to the other is conveyed. Owing, however, to the heavy cost of its construction, the Kennet and Avon Canal has not been profitable for the undertakers. It is 57 miles in length; its summit level is 474 feet above high water mark, and it has a minimum depth of 5 feet water. Few canals exhibit so many specimens of aqueducts, tunnels, and deep cutting.

In addition to the above, an immense number of other canals have been constructed at different periods, some of which are of great magnitude and importance; so that England now enjoys an extent of canal navigation amounting in all to above 2,400 miles, and unparalleled in any other European country with the exception of Holland. Few of the English canals are above 7 or under 4 feet in depth. The Gloucester and Berkeley Canal is, however, 18 feet deep, and vessels of 400 tons are consequently enabled to reach Gloucester by its means.

All the English canals have been constructed, either by associations or individuals, under the authority of acts of parliament, which give power to levy certain rates on the passengers and goods conveyed by them. Unluckily, parliament has not reserved to itself the power of

revising and altering these rates of charge; an oversight which has, in many instances, very seriously compromised the public interest.

Scotch Canals. — In Scotland, the great canal to join the Forth and Clyde was begun in 1768, but it was suspended in 1777, and was not resumed till after the close of the American war. It was finally completed in 1790. Its total length, including the collateral cuts to Glasgow and the Monkland Canal, is 38¾ miles. Its summit level is 150 feet above the level of the sea. It is on a larger scale than most English canals. Its medium width at the surface is 56, and at the bottom 27, feet. Originally it was about 8 feet 6 inches deep; but recently its banks have been raised, so that the depth of water is now about 10 feet. It has, in all, 39 locks. In completing this canal many serious difficulties had to be encountered: these, however, were all successfully overcome; and, though unprofitable for a while, it has, for many years past, yielded a large return to its proprietors.

We have been enabled, by the liberality of the directors, to furnish some interesting details with respect to this canal:—

Account of the Annual Revenue and Expenditure (exclusive of dividends,) of the Forth and Clyde Navigation, from 1800 to 1836, inclusive, showing the Excess of Revenue in each Year, divisible amongst the Proprietors; with the Dividends paid to them during the same Period.

Year.	Revenue.			Expenditure.			Excess of Revenue.			Dividends. Rate per cent. on each original share of 100l.			Dividends. Amount.		
	L.	s.	d.	L.	s.	d.	L.	s.	d.	L.	s.	d.	L.	s.	d.
1800	21,607	6	8	9,497	6	5	12,110	0	5	*5	4	0	6,185	0	0
1801	21,725	1	1	9,817	12	7	11,907	8	6	10	5	8	13,337	9	8
1802	23,371	17	2	9,708	0	4	13,663	16	10	10	11	4	13,704	19	4
1803	21,293	5	0	13,129	15	9	8,163	9	3	10	11	4	13,704	19	4
1804	20,872	17	7	8,900	16	9	11,972	0	10	10	11	4	13,704	19	4
1805	24,561	16	4	9,961	10	3	14,600	6	1	10	11	4	13,704	19	4
1806	26,955	2	3	12,578	0	11	14,377	1	4	10	11	4	13,704	19	4
1807	30,567	5	10	12,293	9	0	18,273	16	10	10	11	4	13,704	19	4
1808	28,214	14	6	15,587	8	11	12,627	5	7	10	11	4	13,704	19	4
1809	31,682	7	2	15,840	8	8	15,841	18	6	10	11	4	13,704	19	4
1810	40,454	14	10	18,790	11	3	21,664	3	7	10	11	4	13,701	19	4
1811	27,753	2	7	14,105	12	2	13,647	10	5	10	11	4	13,704	19	4
1812	29,744	12	2	17,105	17	0	12,638	15	2	10	11	4	13,704	19	4
1813	40,819	4	3	17,693	5	9	23,125	18	6	10	11	4	13,704	19	4
1814	48,071	8	10	16,791	9	8	31,279	19	2	12	15	8	16,579	19	8
1815	47,479	7	9	18,225	7	10	29,253	19	11	17	10	0	22,697	10	0
1816	58,361	14	10	18,514	4	10	19,847	10	0	25	0	0	32,425	0	0
1817	45,118	8	1	11,145	6	9	33,973	1	4	25	0	0	32,425	0	0
1818	50,630	9	6	11,202	15	9	39,427	13	9	25	0	0	32,425	0	0
1819	41,240	15	6	12,952	17	3	28,287	18	3	25	0	0	32,425	0	0
1820	37,215	16	5	16,178	15	9	21,037	0	8	20	0	0	25,940	0	0
1821	40,408	5	4	13,762	12	11	26,645	12	5	20	0	0	25,940	0	0
1822	43,647	19	1	11,471	8	5	32,176	10	8	20	0	0	25,940	0	0
1823	44,449	16	7	13,525	3	11	30,924	12	8	20	0	0	25,940	0	0
1824	49,713	9	9	13,630	0	1	36,083	9	8	20	0	0	25,940	0	0
1825	53,563	17	3	13,169	5	11	40,394	11	4	20	0	0	25,940	0	0
1826	44,734	2	3	13,944	8	4	30,789	13	11	25	0	0	32,425	0	0
1827	51,869	4	1	15,902	1	4	35,967	2	9	25	0	0	32,425	0	0
1828	50,123	7	11	13,127	7	10	36,996	0	1	25	0	0	32,425	0	0
1829	50,322	15	7	14,046	4	8	36,176	10	11	27	0	0	35,019	0	0
1830	53,831	1	9	16,334	9	1	37,546	12	8	27	0	0	35,019	0	0
1831	51,407	16	7	18,226	12	7	33,181	4	0	28	0	0	36,316	0	0
1832	40,562	9	3	13,734	11	8	26,827	17	7	25	0	0	32,425	0	0
1833	46,292	7	5	14,899	10	11	31,392	16	6	25	0	0	32,425	0	0
1834	51,167	9	9	13,181	7	4	37,986	2	5	25	0	0	32,425	0	0
1835	53,931	9	5	14,897	10	11	39,033	18	6	25	0	0	32,425	0	0
1836	63,743	16	7	16,597	15	0	47,146	1	7	28	0	0	36,316	0	0
	1,487,760	16	11	520,471	4	4	967,289	12	7				878,344	11	4

* The first half of the first year's dividend of 10l. per share, was due at Martinmas, 1800.

N.B. The sums advanced in 1817, 1818, and 1821, for improvements under Act 54 Geo. III. cap. 195, are not included in the above expenditure for those years.

The Union Canal joins the Forth and Clyde Canal near Falkirk, and stretches thence to Edinburgh, being 31½ miles in length. It is 40 feet wide at the top, 20 at bottom, and 5 deep. It was completed in 1822; but has been, in all respects, a most unprofitable undertaking. Hitherto the proprietors have not received any dividend; and their prospects, we understand, are little, if any thing, improved.

A canal intended to form a communication between Glasgow, Paisley, and Ardrossan, was commenced in 1807; but only that portion connecting Glasgow with Paisley and the village of Johnstown has hitherto been finished. This part is about 12 miles long; the canal being 30 feet broad at top, 18 at bottom, and 4½ deep. It was here that the important experiments were made on quick travelling by canals, which demonstrated that it was quite practicable to impel a properly-constructed boat, carrying passengers and goods, along a canal at the rate of 9 or 10 miles on hour, without injury to the banks.

The Crinan Canal, across the peninsula of Cantire, is 9 miles long, and 12 feet deep, admitting vessels of 160 tons burden. In 1837, 21,406 passengers were carried along this canal.

The Caledonian Canal is the greatest undertaking of the sort attempted in the empire. It stretches south-west and north-east across the island, from a point near Inverness to another near Fort William. It is chiefly formed by Loch Ness, Loch Oich, and Loch Lochy. The total length of the canal, including the lakes, is 58¾ miles; but the excavated part is only 21½ miles. At the summit it is 96½ feet above the level of the Western Ocean. It is mostly constructed upon a very grand scale, being intended to be 20 feet deep, 50 feet wide at bottom, and 122 at top; the locks are 20 feet deep, 172 long, and 40 broad; and had it been wholly executed, as was originally intended, frigates of 32 guns, and merchant ships of 1,000 tons burden, might have passed through it. It was opened in 1822, being executed entirely at the expense of government, from the designs and under the superintendence of Thomas Telford, Esq. The entire cost has exceeded a million sterling. It would, however, appear to have been projected without due consideration, and promises to be a very unprofitable speculation. During the year 1836-37 the total revenue of the canal, arising from tonnage dues and all other resources, amounted to only 2,279*l.*, while the ordinary expenditure during the same year amounted to 3,997*l.* But this is not all. Owing to a wish to lessen the original expense, and to hasten the opening of the canal, parts of it were not excavated to nearly their proper depth, while others were executed in a hurried and insufficient manner. Hence it is that the canal does not really admit vessels of above 250 or 300 tons burden; and owing to the want of steam-tugs on the lakes, these are frequently delayed in making their passage across for a lengthened period. During 1837 the works sustained considerable damage; and so large a sum will now be required for their repair and for the purchase of steam-tugs, &c., that it has been gravely debated whether it would not be better entirely to abandon the canal! Perhaps the better way would be to try to sell it to a company. Private parties might probably turn it to some account; but the probability seems to be that so long as it continues in the hands of government, it will be productive of little except loss.—(*August*, 1838.)

Some other canals have been projected and completed in different parts of Scotland. Of these the Don and Dee Canal, from Aberdeen to Inverary, is the most extensive; and the Monkland Canal, for the supply of Glasgow with coal, the most successful.

Account exhibiting the length in miles of the principal British Canals; the number of shares in each; the cost or sum actually expended upon such shares; the price which they brought in the market in 1838; the dividends that were then payable on the same, &c.*

Names of Canals.	Length in Miles.	Number of Shares.	Amount of Shares.	Average Cost per Share.	Price per Share.	Div. per Annum.	Dividend payable.
			£ s.	£ s. d.	£ s.	£ s.	
Ashby-de-la-Zouch	26¼	1,482	100 0	113 0 0	72 0	4 0	April, Oct.
Ashton and Oldham	18	1,766	- -	113 0 0	137 10	7 0	April, Oct.
Barnsley	14	720	160 0	217 0 0	260 0	12 0	Feb. Aug.
Basingstoke	37	1,260	100 0	- -	5 5		
Birmingham (1-16th sh.)	22½	4,000	17 10	- -	221 0	9 16	April, Oct.
Birmingham and Liverpool Junction	39	4,000	100 0	100 0 0 pd.	25 0		
Bolton and Bury	-	477	250 0	- -	- -	6 0	January.
Brecknock and Abergavenny	33	1,005	150 0	- -	- -	- -	Jan, July.
Bridgewater and Taunton	42½	600	100 0	100 0 0 pd.			
Calder and Hebble	22	- -	- -	- -			
Carlisle	11½	1,600	50 0	21 10 0 pd.			
Chelmer and Blackwater	13½	460	100 0	- -	91 0	4 0	January.
Chesterfield	46	1,500	100 0				
Coventry	27	500	100 0	- -	745 0	48 0	May, Nov.
Crinan	9½	1,851	50 0				
Cromford	18	460	100 0	- -	- -	18 0	Jan. July.
Croydon	9½	4,546	100 0	31 2 10			
Derby	9	600*l.*	100 0	110 0 0	- -	- -	Jan. July.
Dudley	13	2,060	100 0	- -	85 0	4 0	March, Sept.
Ellesmere and Chester	109	3,575	133 0	133 0 0	79 0	4 0	September.
Erewash	11½	231	100 0	- -	720 0	32 0	May, Nov.
Forth and Clyde	38½	1,297	100 0	400 10 0	550 0	20 0	June, Dec.
Glamorganshire	25	600	100 0	172 13 4	260 0	13 12	May, June, Sept. Dec.
Gloucester and Berkley	18½	1,167	100 0				
Grand Junction	93¼	11,600	100 0	294 10 0	202 10	10 0	Jan. July.
Grand Surrey	12	1,521	100 0	- -	- -	- -	April, Oct.
Grand Union	45	2,849½	100 0	- -	25 0	1 0	1st October.
Grand Western	35	3,096	100 0	100 0 0 pd.			
Grantham	30	749	150 0	150 0 0	202 0	10 0	May.
Hereford and Gloucester	35½	- -	100 0				
Huddersfield	19½	6,238	100 0	6 6	38 0	2 0	September.
Ivel and Ouse Beds	7	148	100 0	100 0 0	- -		Jan. July.
Kennet and Avon	57	25,328	100 0	39 18 10	26 0	1 7	September.
Kensington	-	150	100 0	100 0 0 pd.			
Lancaster	76	11,094½	100 0	47 6 8	24 5	1 0	April.
Leeds and Liverpool	130	2,879½	100 0	- -	670 0	24 0	May, Nov.
Leicester	21½	540	- -	140 0 0	220 0	14 0	Jan. July.
Leicester and Northampton	17	1,897	100 0	82 10 0	91 0	6 0	Jan. July.
Loughborough	9½	70	- -	142 17 0	2,110 0	110 0	Jan. July.
Macclesfield	29½	1,655	100 0	100 0 0 pd.	53 0	2 0	
Melton Mowbray	-	250	100 0	- -	190 0	10 0	July.
Mersey and Irwell	50	800	100 0	- -	575 0	25 0	November.
Monkland	12	101	100 0				
Monmouthshire	17¾	2,409	100 0	100 0 0	200 0	10 0	Jan. July.
Montgomeryshire	27	709	100 0	- -	80 0	4 10	March, Aug.
North Walsham and Dilham	-	600	50 0	50 0 0 pd.	- -	- -	January.
Neath	14	247	- -	107 10 0	- -	17 0	Aug. Feb.
Nottingham	15	500	150 0	- -	- -	- -	April, Oct.
Nutbrook	5	130	109 0				
Oakham	15	522	130 0	- -	40 0	2 0	May.
Oxford	84	1,786	100 0	- -	540 0	32 0	March, Sept.
Peak Forest	21	2,400	100 0	48 0 0	- -	3 10	June, Dec.
Portsmouth and Arundel	13	9,590	50 0	50 0 0			
Regent's	9	21,418	100 0	33 16 8	16 0	0 12	July.
Rochdale	31	5,669	100 0	85 0 0	109 0	6 0	May.
Shrewsbury	17½	500	125 0	- -	- -	11 0	May, Nov.
Shropshire	7½	500	125 0	- -	138 0	8 0	June, Dec.

* The length is taken from *Priestley's Account of Canals, &c.*; and the other particulars from the *Share List* of Mr. Moore, 3, Bank Chambers, Lothbury, for July 31, 1838.

Length in Miles of British Canals, &c. — *continued.*

Names of Canals.	Length in Miles.	Number of Shares.	Amount of Shares.		Average Cost per Share.			Price per Share.		Div. per Annum.		Dividend payable.
			£	s.	£	s.	d.	£	s.	£	s.	
Somerset Coal - -	8½	800	50	0	-		-	152	0	10	0	Jan. July.
Stafford and Worcester	46½	700	140	0	140	0	0	680	0	40	0	Feb. Aug.
Stourbridge - -	5	300	145	0	-		-	-	-	8	0	Jan. July.
Stratford-on-Avon -	23¼	3,647	-	-	79	9	8	41	0	a2	0	August.
Stroudwater - -	8	200	150	0	-		-	-	-	23	0	May, Nov.
Swansea - - -	17½	513	100	0	180	0	0	-	-	16	0	November.
Tavistock - - -	4½	350	100	0	-		-	-	-	2	0	
Thames and Medway -	8½	4,805	100	0	30	4	3	1	0			
Thames and Severn, New - - -	30½	1,150	-	-	-		-	29	0	1	18	June.
Trent and Mersey (½) -	130	2,600	50	0				580	0	32	10	January.
Warwick and Birmingham - -	25	1,000 1,000½	100 50	0 0	-		-	271	0	16	0	May, Nov.
Warwick and Napton -	15	980	100	0	-		-	203	0	15	0	May, Nov.
Wey and Arun - -	16	905	110	0	110	0	0	23	0	1	0	May.
Wilts and Berks - -	52	5,000	-	-	-		-	23	0	1	8	June.
Wisbeach - - -	6	126	105	0	105	0	0	-	-	-	-	February.
Worcester and Birmingham - - -	29	6,000	-	-	-		-	74	0	4	0	Feb. Aug.
Wyrley and Essington	27	800	125	0	-		-	135	0	6	0	December.

Irish Canals.—It is pithily observed by Mr. Young, that "*a history of public works in Ireland would be a history of jobs.*"* The canals that have been constructed in that country seem completely to verify this caustic remark. Immense sums of money have been lavished upon them to very little purpose, except the enriching of contractors: and it is not easy to say whether the ignorance displayed by the greater number of the projectors, the waste of public money by which they have been for the most part characterised, or their inutility, be their most prominent features.

Grand Canal.—This, which is the most important of the Irish canals, was begun in 1756. The works have, however, been frequently interrupted; and it was not extended to Ballinasloe till 1829. It was undertaken by a body of subscribers, incorporated for the purpose; but they could not have completed the canal without liberal grants from the public. It commences at Dublin, and stretches in a westerly direction, inclining a little to the south, to the Shannon, with which it unites near Banagher, a distance of about 86 statute miles. But exclusive of the main trunk, there is a branch to Athy, where it joins the Barrow, a distance of about 28 miles; and there are branches to Portarlington, Mount Mellick, and some other places. The westerly branch, from the Shannon to Ballinasloe, is about 14 miles in length. At its highest elevation, the canal is 278 feet above the level of the sea at Dublin; it is 40 feet wide at the surface, from 24 to 26 feet wide at bottom, and has 6 feet water. The locks on the trunk of the canal are 70 feet long and 14½ wide. Including the main body of the canal, its extension from Shannon harbour to Ballinasloe, and its various branches, its total length is 164 English miles. A considerable part of its course is through the Bog of Allen, a circumstance which added greatly to the expense of its construction. The sums expended upon the Grand Canal, down to 1823, amounted, according to the statement by Messrs. Henry, Mullins, and M'Mahon, to 1,861,000*l.*; and its subsequent extension from the Shannon to Ballinasloe, with the

* *Tour in Ireland*, part ii. p. 66. 4to. ed.

branch to Mount Mellick, have most probably carried its total cost to above 2,000,000*l.*

Two capital errors seem to have been committed in the formation of this canal,—it was framed on too large a scale, and was carried too far north. Had the canal had only 4 or 4½, instead of 6 feet water, its expense would have been "vastly lessened," while its efficiency would not have been, in any considerable degree, impaired. But the great error was in its direction. Instead of joining the Shannon about 15 miles above Lough Derg, it should have joined it below Limerick. The advantages of this would have been threefold: 1st, it would have enabled barges bound for or leaving Limerick to avoid the difficult and dangerous navigation of the Shannon; 2d, it would have run through a comparatively fertile country, to whose products it would have afforded advantageous outlets; and, 3d, it would have avoided the Bog of Allen, in which, says Mr. Wakefield, "the company have buried more money than would have cut a spacious canal from Dublin to Limerick."—(Vol. I. p. 642.) Its principal use is to facilitate the conveyance of turf, grain, and other produce, to Dublin: but an immense number of passengers are also conveyed by it. In a mercantile point of view, it has been and is a most unprofitable concern; though there can be no doubt that it has contributed materially to promote commerce and internal improvement, particularly since the extension of its branches to Athy and Mount Mellick. We subjoin—

An Account of the Tonnage of all sorts of commodities conveyed to and from Dublin by the Grand Canal, since 1821, with the amount of the toll paid thereon.

Years.	Tonnage.	Amount of Toll.			Years.	Tonnage.	Amount of Toll.		
		£.	s.	d.			£.	s.	d.
1821	142,622	32,517	13	10	1830	224,749	33,464	8	0
1822	134,939	24,866	4	9	1831	237,810	36,734	12	3
1823	143,147	24,058	6	7	1832	216,419	34,552	16	6
1824	166,749	27,679	7	3	1833	226,739	38,054	7	11½
1825	188,731	32,328	7	1	1834	225,473	38,123	7	5½
1826	189,686	28,408	16	4	1835	215,399	36,030	3	2½
1827	179,173	33,587	4	9½	1836	226,770	38,953	4	1½
1828	190,387	35,212	19	0½	1837	215,910	37,557	7	1
1829	191,774	31,435	15	8					

Account of the Number of Passengers conveyed to and from Dublin on the Grand Canal, distinguishing the first and second cabin passengers, and also those conveyed by the day boats from those conveyed by the night boats.

Years.	Day Boats.			Night Boats.			Total Number of Day and Night Passengers
	First Cabin.	Second Cabin.	Total.	First Cabin.	Second Cabin.	Total.	
1832	8,910	28,843	37,753	7,194	25,845	33,039	70,792
1833	6,200	21,652	27,852	5,396	21,566	26,962	34,814
1834	7,284	26,660	33,944	6,513	23,891	30,404	64,348
1835	6,951	23,861	30,812	9,217	32,719	41,936	72,748
1836	7,837	22,212	30,049	15,369	40,946	56,315	86,364
1837	9,614	26,624	36,238	17,311	47,146	64,457	100,695

Royal Canal.—This canal was begun in 1789. It stretches westward from Dublin to the Shannon, which it joins at Tormanbury. Its entire length is 92 miles; its highest elevation is 322 feet above the level of the sea. At bottom it is 24 feet wide, having 6 feet water. The locks are 81 feet long and 14 feet wide. It has cost, exclusive of interest on stock, loans, &c. advanced by government, 1,421,954*l.*

The Royal Canal is, if possible, far more injudiciously planned than the Grand Canal. It has the same defect of being extravagantly large; and throughout most part of its course it is nearly parallel to the former, from which, indeed, it is but a short way distant. There are, consequently, two immense canals, where there ought, perhaps, to be none! At all events, it is certain that *one* canal, of comparatively moderate dimensions, would have been quite enough for all the business of the district, though it were much greater than it is at present, or than it is ever likely to become. The immense sum expended on the Royal Canal has really, therefore, been little better than thrown away.

The writer of these remarks, when at Dublin, a few years ago, examined that part of the Royal Canal nearest to Leixlip. It did not appear ever to have been made any use of. The water in it was quite pure, except that in some places it was full of aquatic plants. The locks were very much decayed; and had generally on the one side a dyke of turf, constructed by the country people, to facilitate their passage across the canal! Whether matters have changed since is more than he can undertake to say.

Total Receipts and Expenditure of the Royal Canal Company in 1834, 1835, and 1836.

Years.	Total Receipts for Passengers for Three Years.			Total Receipts of the Royal Canal, for Three Years.			Total Expenditure of the Royal Canal, for Three Years.		
	£.	s.	d.	£.	s.	d.	£.	s.	d.
1834	6,299	11	10	24,000	0	11	11,376	10	0
1835	6,898	18	1	24,082	9	1	10,740	16	9
1836	7,468	8	3½	25,148	19	7	11,912	2	10

Hence it appears that, in 1836, the Royal Canal afforded a surplus revenue over the current expenditure of 13,236*l.* 16*s.* 9*d.* A miserable return for an undertaking that has cost considerably above 1,500,000*l.*

Limerick Navigation.—So early as 1767 a company was formed for improving the navigation of the Shannon, between Limerick and Killaloe, at the south end of Lough Derg. The distance is about 15 miles; it is called the Limerick Navigation, and is partly a canal, and partly a river navigation. About 123,500*l.* have been expended, principally by the public, on this undertaking.

Exclusive of the above, a very large sum has been expended in improving the navigation of the Shannon between Portumna and Athlone; but it is still very defective. During floods the channel is not discernible, from the great rise of the water, and the lowness of the river's banks; and in dry seasons the inconvenience of the opposite extreme is felt, there not being in many places more than two feet depth of water.—(See Vol. I. p. .)

River Barrow Navigation.—It has been attempted, partly by col-

lateral cuts, and partly by deepening the river, to make the Barrow navigable for barges to Athy, where it is joined by a branch of the Grand Canal. On this undertaking 255,500*l.* have been expended. It has been but indifferently successful. "The very imperfect state of the navigation, the defectiveness of the works, *both as to execution and design* (those only projected by Mr. Chapman excepted), must consume in their maintenance and repair the greater portion of any revenue arising therefrom, leaving a mere nominal remuneration to the subscribers, who have made great sacrifices, although ill-directed, for the improvement of the country, and the amelioration of the working classes of the people."—(*Report by Messrs. Henry, Mullins, and M'Mahon.*)

River Boyne Navigation.—This, like the Barrow Navigation, consists partly of collateral cuts, and partly of excavations in the bed of the river. It has cost about 116,000*l.* It has been badly executed, and is a very unprosperous concern.

The Newry Navigation extends from the sea lock at Fathom to Lough Neagh, a distance of 24 Irish, or 30⅜ English miles, 12 of which are in the bed of the Upper Bann river. It was begun so early as 1739. Its highest elevation is 65 feet above the level of the sea, and 22 feet above Lough Neagh. It has been wholly executed at the public expense; and has cost, including the Tyrone and Mahery cut, connecting Coal Island with the Blackwater and Lough Neagh, 75,730*l.* in improvements and repairs only, since 1800. "The summit level is badly supplied in dry seasons, and the navigation in other respects is very defective, particularly that part of it which is carried in the bed of the river Bann; being subject to the impediments and interruptions inseparable from river navigation. The course of the river Bann is meandering and circuitous; its banks are low and marshy, topped even by ordinary floods, during which the channel ceases to be distinguishable, when the navigation is, in consequence, suspended. Some of these inconveniences might be obviated by erecting beacons in the line of the channel, which, if properly marked, could be navigated in flood time, from the sluggishness of the current."—(*Report by Messrs. Henry, Mullins, and M'Mahon.*)

Lagan Navigation is partly a river, and partly a still water navigation. It is completed from Lough Neagh to within 2½ miles of Belfast, and, when finished, will be about 22 Irish, or 28¼ English miles in length. The summit level is 112½ feet above the sea. About 96,000*l.* have been expended on this undertaking, of which 60,000*l.* were contributed by the Donegal family, 16,000*l.* by the public, and the residue by private individuals. The highest level is badly supplied with water, the navigation is much interrupted in dry seasons, and is otherwise very defective. It is almost needless to add that the concern has been an unprofitable one.

We are indebted for the greater number of these details to the report by Messrs. Henry, Mullins, and M'Mahon, engineers, printed in the Appendix to the Report of the Select Committee of 1830 on the State of Ireland, and to the details given in the Second Report of the Railway Commissioners.

5. Shipping.—Of the various instruments by which foreign com-

merce is carried on, ships, to an insular nation like Great Britain, are, perhaps, the most important of any. Owing to various circumstances, the investigation of which is foreign to the object of this work, the shipping of England did not become considerable till the reign of Elizabeth. It gradually increased under her successors James I. and Charles I. At the Restoration, the British shipping cleared outwards amounted to 95,266 tons; but such was the increase of navigation during the reigns of Charles II. and James II., that, at the Revolution, the British shipping cleared outwards amounted to 190,533 tons. The war, terminated by the treaty of Ryswick in 1697, checked this progress. But commerce and navigation have steadily advanced, with the exception of two short periods—during the war of 1739 and the American war, from the beginning of last century down to the present day.

The first really authentic account of the magnitude of the commercial navy of England was obtained, in 1701-2, from returns to circular letters of the Commissioners of Customs, issued in January of that year. From these it appears that there then belonged to *all* the ports of England and Wales 3,281 vessels, measuring (or rather supposed to measure) 261,222 tons, and carrying 27,196 men. Of these there belonged to London 560 vessels, of the burden of 84,882 tons, having a crew of 10,065 men. Bristol was the next port to London, but it had only 2,359 seamen.—(*Macpherson's Annals of Commerce*, anno 1701.)

During the next 30 years, the shipping belonging to London was more than doubled; for, in 1732, it possessed 1,417 vessels, measuring 178,557 tons, and navigated by 21,797 men. The shipping of Liverpool and some other ports had, in the same interval, increased still more rapidly.—(*Macpherson*, anno 1732.)

It appears from a custom-house account, that, in 1760, there belonged to England and Wales 6,105 vessels, of the reputed burden of 433,922 tons; and to Scotland 976 vessels, of the reputed burden of 52,818 tons. But a note subjoined, by the assistant registrar-general of shipping, to this account, shows that it is very defective, both as to the number of vessels and their burden. So much so is this the case, that the real tonnage at the period referred to, is believed, on good grounds, to have exceeded by full 50 per cent. the amount stated above.—(*Macpherson*, anno 1760.)

The increase of commerce and shipping, since 1760, has been quite extraordinary. On the 30th of September, 1800, the amount of the registered shipping belonging to the different ports of the empire was as under:—

Countries.	Vessels.	Tons.	Men.
England - -	12,198	1,466,632	105,037
Scotland - - -	2,155	161,511	13,883
Ireland - -	1,003	54,262	5,057
Guernsey and Jersey -	130	10,647	1,412
Man - - -	238	5,463	1,285
Colonies - -	2,161	157,364	12,047
Totals -	17,885	1,855,879	138,721

The subjoined account shows the amount of our mercantile navy in 1835, with its distribution among the different ports of the United Kingdom, since which the proportions belonging to each have undergone no material variation. It will be seen that the number of ships and the tonnage have increased nearly 40 per cent. since 1800.

An Account of the Number of Ships or Vessels belonging to the different Ports of the British Empire on the 31st of December, 1835, stated in succession, agreeably to the Amount of Tonnage belonging to each; and specifying also the Number of the Crews. (Obtained from the Custom House.)

Ports.	Ships.	Tons.	Men.	Ports.	Ships.	Tons.	Men.	Ports.	Ships.	Tons.	Men.
London	2,828	566,152	32,392	Penzance	94	5,002	474	Kirkwall	77	4,218	323
Newcastle	1,054	208,100	9,665	Rye	90	4,699	361	Banff	75	4,218	322
Liverpool	996	207,833	11,511	Chepstow	68	4,580	312	Lerwick	101	3,967	744
Sunderland	712	132,070	5,952	Padstow	81	4,533	301	Thurso	40	2,573	180
Whitehaven	443	65,878	3,490	Bridlington	30	4,160	192	Stornoway	56	2,502	251
Hull	503	65,524	3,783	Ilfracombe	63	3,897	222	Campbeltown	54	2,251	203
Bristol	281	42,913	3,899	Cardiff	48	3,735	213	Stranraer	37	1,789	153
Yarmouth	577	43,583	2,324	Blackney and Clay	64	3,734	258	Total Scotland	3,287	335,820	23,924
Whitby	252	39,954	2,065	Llanelly	72	3,637	236				
Plymouth	373	30,701	1,805	Carlisle	39	3,419	229	Belfast	293	32,545	1,824
Scarborough	172	27,952	1,389	Wisbeach	48	3,374	181	Dublin	394	25,936	2,294
Dartmouth	373	27,140	1,760	Shoreham	55	3,372	225	Cork	302	21,514	1,589
Beaumaris	395	21,885	1,453	Wells	63	3,287	244	Waterford	126	13,879	826
Exeter	192	15,979	875	Arundel	35	3,034	171	Newry and Strangford	161	9,060	695
Lynn	120	15,283	736	Woodbridge	38	2,682	146	Londonderry	43	6,257	377
Poole	153	15,113	939	Chichester	59	2,620	164	Wexford	109	6,750	525
Cardigan	275	14,436	1,030	Truro	34	2,411	142	Limerick	69	4,883	311
Stockton	104	13,508	619	Southwold	34	2,310	164	Drogheda	39	4,272	272
Gloucester	246	13,237	1,113	Aldborough	39	2,170	162	Baltimore	19	2,925	312
Goole	167	12,586	469	Barnstaple	37	2,063	119	Sligo	19	1,762	107
Rochester	274	12,364	744	Scilly	41	2,038	236	Galway	10	649	41
Ipswich	154	11,308	595	Bridport	19	1,932	99	Dundalk	11	643	40
Portsmouth	201	11,968	730	Newhaven	20	1,476	66	Coleraine	16	559	51
Milford	152	10,376	634	Lyme	19	1,382	83	Westport	6	123	18
Lancaster	131	9,653	527	Grimsby	33	1,187	92				
Bideford	115	9,509	545	Minehead	Port of Bridgwater.			Total Ireland	1,627	131,755	9,282
St. Ives	117	9,019	608	Gweek	11	688	43				
Boston	175	8,982	528	Deal	23	641	132	British Islands.			
Swansea	137	8,918	565					Jersey	243	23,221	2,023
Colchester	236	8,648	940	Total England	14,823	1,853,112	105,945	Guernsey	78	9,186	638
Cowes	170	8,530	757					Man	242	7,229	1,297
Southampton	177	8,363	668								
Faversham	229	8,270	594	Glasgow	312	58,478	4,321	Total British Islands	563	39,636	3,958
Maldon	136	6,955	413	Dundee&Perth	387	44,869	3,002				
Fowey	95	6,827	411	Aberdeen	359	41,743	3,095				
Aberystwith	129	6,737	442	Greenock	367	42,722	2,723				
Falmouth	86	6,732	441	Leith	227	23,558	1,786				
Newport	61	6,082	323	Grangemouth	184	22,887	1,239	Total United Kingdom and Brit. Islands	20,300	2,360,303	143,109
Bridgwater	77	5,796	615	Montrose	181	18,012	1,153				
Dover	111	5,702	555	Kirkaldy	179	13,493	1,301				
Weymouth	73	5,698	306	Irvine and Ayr	128	13,593	889				
Chester	85	5,627	429	Dumfries	192	11,798	779	British Plantations	5,211	423,458	27,911
Harwich	89	5,572	403	Borrowstoness	121	8,452	488				
Ramsgate	85	5,546	332	Inverness	160	7,597	630				
Berwick	55	5,160	318	Port Glasgow	50	7,500	400	Grand Total	25,511	2,783,761	171,020

Account of the Number of Vessels, with the Amount of their Tonnage, and the Number of Men and Boys usually employed in navigating the same, that belonged to the several Ports of the British Empire, on the 31st of December, 1835, 1836, and 1837, respectively.

	1835.			1836.			1837.		
	Vessels.	Tonnage.	Men.	Vessels.	Tonnage.	Men.	Vessels.	Tonnage.	Men.
England	14,823	1,853,112	105,945	14,949	1,859,726	105,221	14,998	1,821,994	105,075
Scotland	3,287	335,820	23,924	3,239	324,651	23,726	3,244	334,870	24,292
Ireland	1,627	131,755	9,282	1,635	128,469	9,189	1,694	139,363	9,865
Isle of Guernsey	78	9,186	638	87	9,494	675	90	9,280	678
Jersey	243	23,221	2,023	235	20,826	2,034	245	21,107	2,165
Man	242	7,229	1,297	243	6,583	1,286	265	6,907	1,387
British Plantations	5,211	423,458	27,911	5,432	442,897	28,506	5,501	457,497	30,044
Total	25,511	2,783,761	171,020	25,820	2,792,646	170,637	26,037	2,791,018	173,506

ACCOUNT of the Shipping employed in the Trade of the United Kingdom in 1836; exhibiting the Number and Tonnage of Vessels that entered Inwards and cleared Outwards (including their repeated Voyages), with the Number of their Crews, separating British from Foreign Vessels, and distinguishing the Trade with each Country.

Countries.	Inwards.						Outwards.					
	British.			Foreign.			British.			Foreign.		
	Ships.	Tons.	Men.	Ships.	Tons.	Men.	Ships.	Tons.	Men.	Ships.	Tons.	Men.
Russia	1,611	322,133	14,471	274	65,735	3,087	1,244	253,266	11,677	273	67,625	3,067
Sweden	66	10,865	509	250	42,439	2,114	65	10,561	509	204	26,138	1,152
Norway	15	1,573	102	785	125,875	6,473	17	1,600	114	820	137,606	6,894
Denmark	16	2,152	111	694	51,907	3,192	309	55,413	2,607	1,042	100,671	5,650
Prussia	270	42,567	2,048	905	174,439	7,749	212	32,518	1,608	680	135,049	5,918
Germany	613	118,578	5,811	754	59,937	3,441	660	126,157	6,144	781	57,661	3,608
Holland	1,026	143,285	7,533	555	48,953	3,139	945	139,172	7,263	576	51,853	3,515
Belgium	501	51,522	4,453	409	49,185	3,043	457	42,736	4,065	348	43,949	2,807
France	2,036	198,339	16,561	1,740	108,352	11,417	2,239	229,640	16,432	1,433	97,271	9,819
Portugal, Proper	367	41,860	2,510	91	9,811	876	324	38,272	2,478	103	15,755	1,017
Azores	192	14,585	914	-	-	-	144	10,564	766	18	2,004	173
Madeira	16	3,418	254	-	-	-	21	4,504	312	1	194	11
Spain and the Balearic Islands	410	45,546	3,056	58	6,521	505	318	36,239	2,591	58	9,032	545
Canaries	29	2,682	153	4	385	41	27	2,572	150	6	773	55
Gibraltar	56	8,063	659	1	294	16	162	20,814	1,365	4	1,064	54
Italy and the Italian Islands	387	58,928	3,166	40	8,164	495	359	54,095	3,027	62	12,881	731
Malta	7	1,113	76	-	-	-	80	11,626	649	1	190	12
Ionian Islands	46	6,527	363	-	-	-	51	6,182	338			
Turkey and Continental Greece	130	19,373	992	-	-	-	156	26,632	1,452	2	580	28
Morea & Greek Islands	15	2,252	112	-	-	-	3	367	22			
Egypt	19	3,306	175	1	300	12	44	7,879	418			
Tripoli, Barbary, and Morocco	26	3,127	160	-	-	-	26	4,251	215	10	2,988	136
Coast of Africa, from Morocco to the Cape of Good Hope	138	32,458	1,817	-	-	-	174	42,671	2,428	1	92	10
Cape of Good Hope	30	5,634	309	-	-	-	70	14,910	841			
Eastern Coast, from the Cape of Good Hope, to Babel Mandel	1	79	6	-	-	-	1	235	11			
Cape de Verd Islands	-	-	-	-	-	-	2	472	26			
St. Helena & Ascension	-	-	-	-	-	-	5	967	54			
Madagascar	2	428	26	-	-	-	1	258	12			
Mauritius	68	17,690	924	-	-	-	66	18,576	1,016			
Arabia	3	569	41	-	-	-	6	692	100			
East India Company's Territories, Singapore, and Ceylon	227	97,034	5,788	-	-	-	267	117,784	7,224			
Sumatra	-	-	-	-	-	-	1	279	16			
Java	3	1,075	45	3	1,007	53	13	4,056	244	4	1,148	73
Other Islands of the Indian Sea, exclusive of the Philippines	-	-	-	-	-	-	1	221	13			
Philippine Islands	5	1,212	65	-	-	-	2	488	36			
Ports of Siam	1	337	18	-	-	-						
China	80	40,686	2,530	-	-	-	38	24,099	1,589	12	4,885	227
New South Wales	59	19,195	1,015	-	-	-	107	36,788	2,204			
New Zealand	1	363	20									
British Northern Colonies	2,025	620,772	26,146	-	-	-	1,863	544,903	24,643			
British West Indies	900	237,922	12,770	-	-	-	892	238,915	13,267			
Hayti	5	471	27	-	-	-	38	5,937	321			
Cuba & other Foreign West Indies	31	5,667	305	12	2,595	112	75	15,803	834	20	4,617	271
United States	226	86,383	3,575	524	226,483	7,799	339	128,856	5,714	579	255,046	9,653
Mexico	31	5,343	285	2	425	22	21	3,880	241			
Guatemala	5	731	43	-	-	-	3	456	24			
Columbia	23	4,560	258	2	506	23	8	1,486	82	1	253	13
Brazils	201	45,833	2,272	3	619	32	216	50,370	2,569	5	2,539	285
States of Rio de la Plata	25	4,249	232	-	-	-	26	7,441	386	1	163	10
Chili	48	11,826	650	11	3,252	179	27	6,188	366	1	153	12
Peru	14	3,103	181	-	-	-	18	5,718	226			
The Whale Fisheries	86	28,955	3,470	-	-	-	94	31,589	3,990	1	500	40
Isles of Guernsey, Jersey, and Man	2,256	130,944	10,602	15	1,735	101	1,990	115,028	9,595	1	140	9
Totals	14,347	2,505,473	137,589	7,131	988,899	53,921	14,207	2,531,577	144,295	7,048	1,065,120	56,069

ACCOUNT of the Number of Ships, with the Amount of their Tonnage, that entered the under-mentioned Ports in each of the Four Years ending with 1836.

Ports.	1833.				1834.				1835.				1836.			
	British.		Foreign.		British.		Foreign.		British.		Foreign.		British.		Foreign.	
	Ships.	Tons.	Ships.	Tons.	Ships.	Tons.	Ships.	Tons.	Ships.	Tons.	Ships.	Tons.	Ships.	Tons.	Ships.	Tons.
London	3,421	678,289	1,061	175,885	3,786	735,693	1,280	216,063	3,780	740,255	1,057	188,893	3,845	772,016	1,465	255,875
Liverpool	1,803	410,502	906	250,360	1,973	438,515	874	261,747	2,169	517,172	809	269,837	1,992	500,952	897	256,334
Bristol	278	51,182	24	5,569	295	58,016	32	6,933	290	54,192	28	4,990	299	56,082	50	9,333
Hull	755	142,301	610	62,403	894	168,040	626	59,904	995	189,464	736	77,589	977	202,114	876	96,547
Newcastle	425	69,293	445	45,458	466	75,352	348	37,169	609	102,035	459	50,079	702	113,992	585	58,703
Plymouth	285	30,450	22	3,815	270	27,226	26	4,601	255	24,181	25	4,387	219	20,890	37	4,779
Leith	198	31,388	150	15,875	204	33,365	168	17,937	183	31,944	143	13,578	196	35,784	206	20,057
Glasgow	117	11,031	1	102	146	14,535	5	878	158	17,337	10	2,338	121	15,683	9	2,178
Greenock	270	68,000	11	2,927	254	67,899	20	5,430	246	68,140	17	4,310	224	62,830	16	4,427
Cork	149	29,245	18	2,190	155	27,721	31	3,587	147	25,949	27	3,415	143	27,161	35	4,087
Belfast	153	30,733	15	2,795	153	31,081	26	4,201	150	30,001	34	5,583	129	30,298	52	4,298
Dublin	240	45,939	35	6,550	212	36,074	27	5,456	201	32,139	34	6,247	189	38,058	28	5,092

Account of the Number and Tonnage of Ships that have entered the Port of London with Cargoes from Foreign Parts, distinguishing the Countries whence they have arrived, during the Four Years ending with 1836.

Countries.	1833				1834.				1835.				1836.			
	British.		Foreign.		British.		Foreign.		British.		Foreign.		British.		Foreign.	
	Ships.	Tons.	Ships.	Tons.	Ships.	Tons.	Ships.	Tons.	Ships.	Tons.	Ships.	Tons.	Ships.	Tons.	Ships.	Tons.
Russia	358	76,157	47	17,150	399	87,205	71	24,978	312	67,193	54	18,657	391	91,164	70	24,736
Sweden	12	2,686	51	15,698	22	3,848	76	22,549	22	3,520	67	18,899	21	3,842	99	25,283
Norway	- -	- -	102	31,859	15	2,157	122	38,328	- -	- -	87	28,108	2	120	117	36,630
Denmark	10	1,370	70	6,309	22	2,699	107	18,349	19	2,469	136	13,697	3	600	115	9,387
Prussia	45	6,621	130	31,486	36	6,639	125	30,622	35	6,456	107	26,372	73	11,957	217	51,899
German States	243	43,085	48	5,173	217	44,253	122	12,292	190	44,269	81	7,266	209	51,153	177	14,127
Netherlands	309	41,301	277	23,705	466	67,291	240	21,541	465	72,794	226	21,125	515	79,817	277	27,078
France	188	21,475	197	12,480	225	24,153	178	12,147	245	24,220	125	9,656	305	39,734	189	11,980
Portugal, Azores, and Madeira	377	37,331	4	394	364	38,504	4	519	369	38,840	20	2,131	285	29,808	39	4,601
Spain and Canaries	280	33,398	44	4,585	239	27,302	27	3,272	210	23,371	22	2,617	209	24,672	38	4,045
Italian States	124	18,380	8	1,808	107	16,063	19	4,903	118	16,948	6	1,558	111	16,669	12	2,266
Ionian Islands	33	4,464	- -	- -	25	3,637	- -	- -	25	3,700	- -	- -	22	3,118		
Turkey and Continental Greece	58	8,481	- -	- -	69	9,538	- -	- -	75	11,034	- -	- -	72	11,407		
Mores and Greek Islands	9	1,350	- -	- -	14	2,026	- -	- -	12	1,752	- -	- -	12	1,782		
Egypt	- -	- -	- -	- -	4	756	- -	- -	- -	- -	- -	- -	2	284	1	300
Tripoli, Barbary, and Morocco	132	29,812	- -	- -	28	3,438	- -	- -	21	2,347	- -	- -	22	2,648		
Foreign Possessions in Asia	185	96,085	1	290	6	2,323	3	956	11	3,963	4	1,647	10	2,716	3	1,007
China	- -	- -	- -	- -	27	28,199	- -	- -	47	28,918	- -	- -	47	29,614		
United States of America	18	5,126	44	18,463	24	7,116	51	20,033	14	4,030	68	28,098	14	3,840	78	33,408
Foreign West Indies	35	6,963	7	2,073	29	5,648	5	1,367	19	3,303	2	389	15	2,915	12	2,595
Foreign Continental Colonies in America	75	14,394	1	258	85	16,172	4	758	80	15,061	3	976	89	16,223	3	600
Total	2,491	448,479	1,031	171,731	2,423	398,967	1,254	212,634	2,289	374,281	1,008	181,196	2,429	417,093	1,447	249,888

Ship-building.—London, Sunderland, Newcastle, Hull, Liverpool, Yarmouth, &c., are the great ship-building ports. The business has of late increased very rapidly at Sunderland; so much so that while only 60 ships of the burden of 7,560 tons were built in that port, in 1830, no fewer than 109 ships of the burden of 24,519 tons were built in it in 1832. Ships built in the Thames enjoy the highest character; and, generally, those built in the southern and western ports are said to be superior to those built on the Tyne and the Wear, at least for those purposes for which the best ships are required. Within the last dozen years many steam boats and other craft have been built in the Clyde. At a rough average it is believed that the cost, including outfit, of the new ships annually sent to sea, may be taken at from 10*l.* to 12*l.* a ton.

Classification of Ships.—Until very recently ships, how much soever they might differ in other respects, were classified at Lloyd's with reference solely to their age and the place where they were built. Thus, supposing two ships were launched about the same time in the Thames, the Wear, or any where else, they were enrolled together in the *highest* class in Lloyd's Register, and stood there for a certain number of years, how different soever they might have originally been, or how different soever they might afterwards become! And underwriters and merchants, seeing them thus standing together, and having no other test of goodness to which to refer, insured and employed the one on the same terms as the other! It is unnecessary to dwell on the preposterous absurdity of such a system. Practically it operated as a high bounty on the building of defective, or what are called *slop-built*, ships; and there cannot be a doubt that it has tended materially

to depreciate the character of our mercantile marine, and to multiply shipwrecks, which have increased to a frightful extent. We are, therefore, glad to have to state that a new system of classification is now in the course of being introduced; by which the place of ships on the register will be made to depend, not on their age, or the place where they were built, but upon their actual condition.—(For full details as to the old and new system of classification, see *Supplement to Commercial Dictionary*, Art. SHIPS.)

Numbers, &c. of Persons engaged in Manufactures and Trade in 1831.

We have already given detailed estimates, formed from the best accessible materials, of the number of people employed in the principal manufactures and trades. The following table embraces most of the information to be found in the late census in reference to that subject. We have subjoined a column representing the profits of trades and professions for 1814–1815, as determined by the Property Tax Commissioners.—(See Table on the opposite page.)

A specification is given in the returns obtained under the census of 1831 (vol. ii. pp. 1044—1051.), of the various trades, and the number of individuals in each, and make up the total of those (1,159,867) included in the column of retail trade and handicraft. But no dependence can be placed either on this specification, or on the distinction between those employed in manufacture and the making of manufacturing machinery, and those employed in retail trade and handicraft. It is impossible, in fact, in many cases, to distinguish between manufacture and handicraft; and we have access to know that the same description of persons who were classed, by certain overseers employed to take the census, under the general head of manufacturers, were classed by others under some special head of handicraft. This is the only way, indeed, in which we are able to explain some of the statements in the table referred to in the population returns. According to that table it would appear as if there were only 295 males, of 20 years of age, in England and Wales, employed as bleachers, and *one* in Scotland. It is also stated in the same table, that there is not a single male musical-instrument maker in Scotland; that there is only *one* seal engraver in England, and *three* in Scotland, and so forth! It is to be hoped that when a new census is taken, it will not be left to the overseers and others engaged in taking it to say who are, or who are not, manufacturers, for this can lead to nothing but contradiction and error; but that means may be devised, by putting a few plain questions, incapable of being misinterpreted, for procuring a correct return of the individuals engaged in the principal businesses carried on in the country. This is *all* that should be attempted; and this much might be very easily accomplished.—(For further information as to this subject, see the *Edinburgh Review*, No. 123. Art. 9.)

ACCOUNT exhibiting the Number of Families principally employed in Trade, Manufactures, and Handicraft; the Number of Males, of 20 Years of Age and upwards, employed in Manufactures, or in making manufacturing Machinery; the Number of such Males employed in Retail Trade, or in Handicraft, as Masters or Workmen; the Number of Capitalists, Bankers, Professional and other Educated men; and the Profits of Trade, Professions, &c., in 1814–1815.

ENGLAND.

Counties.	Families chiefly employed in Trade, Manufactures and Handicraft.	Males employed in Manufacture or in making Machinery.	Males employed in Retail Trade, or in Handicraft, as Masters or Workmen.	Capitalists, Bankers, Professional and other Educated Men.	Profits of Trade, Professions, &c., as determined by the Property Tax Returns in 1814-15.
					L.
Bedford	5,137	38	5,502	577	97,848
Berks	9,884	521	10,758	1,447	299,992
Bucks	8,395	369	8,604	1,176	223,256
Cambridge	8,213	39	8,792	1,764	231,251
Chester	34,997	13,305	22,154	2,626	287,152
Cornwall	13,384	107	15,464	2,508	233,959
Cumberland	12,026	3,214	11,186	1,802	179,883
Derby	20,788	8,863	14,787	1,829	209,988
Devon	33,359	1,221	35,784	5,907	697,339
Dorset	10,106	722	10,568	1,624	241,887
Durham	18,511	2,547	19,035	2 871	249,217
Essex	18,282	871	18,953	2,960	600,725
Gloucester	33,179	5,992	29,716	5,647	356,714
Hereford	6,105	63	7,576	911	64,098
Hertford	8,552	290	9,426	1,429	262,471
Huntingdon	2,940	- -	3,443	401	108,401
Kent	29,419	476	34,257	5,503	1,622,458
Lancaster	173,693	97,517	86,079	17,614	2,283,832
Leicester	22,984	12,240	13,772	1,421	319,608
Lincoln	17,284	167	20,490	2,734	374,381
Middlesex	173,822	11,064	163,220	49,457	14,687,052
Monmouth	8,626	3,293	6,649	805	111,451
Norfolk	26,871	4,740	26,543	3,116	522,967
Northampton	12,895	582	13,841	1,254	181,835
Northumberland	14,246	1,252	17,159	2,857	441,521
Nottingham	25,578	14,260	14,083	2,093	314,159
Oxford	9,454	711	11,110	2,214	309,480
Rutland	1,102	12	1,373	150	30,927
Salop	16,210	1,353	14,461	1,948	279,182
Somerset	28,230	4,350	26,762	4,676	1,233,293
Southampton	20,983	292	23,164	3,784	918,872
Stafford	43,648	20,755	24,766	3,569	517,287
Suffolk	18,116	676	18,167	2,228	444,074
Surrey	49,616	2,065	44,130	14,235	1,583,080
Sussex	17,489	109	19,208	3,094	365,455
Warwick	43,291	11,375	32,579	4,012	665,998
Westmoreland	4,116	1,074	3,621	602	51,892
Wilts	15,627	3,497	13,089	1,792	380,482
Worcester	19,030	8,024	13,693	2,085	274,458
York, East Riding — City and Ainsty	10,848	175	12,917	2,398	1,717,155
— North Riding	3,890	211	4,069	589	
— West Riding	11,298	1,005	12,749	1,870	
	118,733	74,669	60,109	8,351	
Totals	1,182,912	314,106	961,177	179,983	33,980,041

WALES.

Counties.	Families chiefly employed in Trade, Manufactures and Handicraft.	Males employed in Manufacture or in making Machinery.	Males employed in Retail Trade, or in Handicraft, as Masters or Workmen.	Capitalists, Bankers, Professional and other Educated Men.	Profits of Trade, Professions, &c., as determined by the Property Tax Returns in 1814-15.
					L.
Anglesey	2,141	120	2,190	252	3,998
Brecon	2,954	551	2,818	351	29,162
Cardigan	3,213	248	3,353	414	14,412
Carmarthen	5,299	292	5,586	614	30,320
Carnarvon	2,997	143	3,235	333	20,642
Denbigh	4,478	235	4,604	533	21,169
Flint	3,101	630	2,774	410	11,666
Glamorgan	8,029	1,903	7,571	1,008	103,388
Merioneth	1,815	194	1,761	145	7,322
Montgomery	4,198	1,639	3,570	418	18,749
Pembroke	4,319	131	4,785	605	43,102
Radnor	1,028	42	1,179	121	3,714
Totals	44,702	6,218	43,426	5,201	307,644

SCOTLAND.

Counties.	Families chiefly employed in Trade, Manufactures, and Handicraft.	Males employed in Manufacture, or in making Manufacturing Machinery.	Males employed in Retail Trade, or in Handicraft, as Masters or Workmen.	Capitalists, Bankers, Professional and other Educated Men.	Profits of Trade, Professions, &c., as determined by the Property Tax Returns in 1814-15.
					L.
Aberdeen	13,808	2,294	11,642	1,750	No details.
Argyll	3,241	816	3,540	860	
Ayr	15,195	8,311	8,352	1,293	
Banff	2,456	240	2,643	343	
Berwick	1,915	399	1,994	361	
Bute	771	215	590	152	
Caithness	1,487	88	2,257	225	
Clackmannan	1,190	259	996	219	
Dumbarton	3,571	1,998	1,953	319	
Dumfries	3,788	1,602	4,471	838	
Edinburgh	21,054	1,267	23,780	8,257	
Elgin or Moray	2,340	199	2,309	340	
Fife	13,907	7,729	7,688	1,361	
Forfar	18,276	8,374	9,760	1,897	
Haddington	2,627	194	2,581	356	
Inverness	2,753	344	3,189	662	
Kincardine	2,281	726	1,612	225	
Kinross	819	562	598	94	
Kirkcudbright	2,293	529	2,299	440	
Lanark	39,694	26,677	24,046	3,569	
Linlithgow	1,891	360	1,547	233	
Nairn	487	54	532	85	
Orkney and Shetland	1,797	170	1,643	362	
Peebles	666	173	684	92	
Perth	12,815	4,942	9,965	1,519	
Renfrew	21,071	9,617	8,295	1,459	
Ross and Cromarty	2,611	382	2,741	472	
Roxburgh	2,942	1,076	3,040	466	
Selkirk	450	154	455	79	
Stirling	6,647	3,376	4,669	709	
Sutherland	409	50	664	163	
Wigtown	2,011	416	1,919	275	
Totals	207,259	83,993	152,464	29,203	2,771,303

SUMMARY OF GREAT BRITAIN.

					L.
England	1,182,912	314,106	964,177	179,983	33,980,041
Wales	44,702	6,218	43,426	5,204	307,644
Scotland	207,259	83,993	152,464	29,203	2,771,303
Totals	1,434,873	401,317	1,159,867	214,390	37,058,988

SUMMARY OF IRELAND.

					L.
Leinster	75,040	3,212	93,880	24,891	
Munster	64,285	1,048	77,280	16,825	
Ulster	88,421	20,919	96,088	13,277	
Connaught	23,613	567	31,590	6,221	
Totals	249,359	25,746	298,838	61,214	

The statements in the preceding chapters show that a very extraordinary increase has taken place since 1814-15 in the principal manufactures and trades carried on in the country, and in the number of individuals employed in them, and in the *gross* amount of profits. But it is not possible to make any correct estimate of this increase. On the whole, however, we believe that it may be supposed to be above rather than below 30 or 35 per cent.

PART IV.

CONSTITUTION AND GOVERNMENT, CIVIL AND RELIGIOUS, OF THE BRITISH EMPIRE.

CHAPTER I. — General Outline of the English Government, with a Sketch of its History.

The functions of every civil government may be regarded as two-fold, — internal and external. In the performance of the first, it has to make laws for those subject to its authority; to see that those laws are observed; and in general to manage the affairs of the state. In the performance of the second, it has to represent the community, as an aggregate body, in its intercourse with other communities, and to act as its authorised organ of communication in all international transactions. The means by which these objects are attained are said to determine the character or form of government. In the English, which is usually styled a mixed form, the legislative power is kept distinct from the executive, the latter being vested in the King alone, who also represents the community in all international transactions and treaties; while the legislative is vested in the great national council termed the Parliament, composed of the King and the three estates of the realm, that is, of the King, and the Lords Spiritual, the Lords Temporal, and the Commons.* The King is supreme; by him all new laws purport to be enacted, with the consent of the two Houses; and his office hereditary. The Lords Spiritual and Temporal are the prelates and peers of the realm. The Commons consist of representatives chosen by the people, partly for counties, and partly for cities and boroughs, who are elected at the commencement of every parliament, and retain their seats for that parliament only. The Lords form one House, and sit by themselves; the Commons form another, in which they also sit by themselves. The King sits with the Lords; but he occupies his seat only on formal occasions, as when he opens the session, or gives his assent to bills which have passed the two Houses: according to the present practice of the constitution, he cannot be present at any deliberation; nor is he supposed even to be acquainted with what passes, either there or in the Commons, until officially communicated to him. No law

* That the King is not one of the three estates, see *Hale's Jurisdiction of Lords*, p. 10.

can be made, and no tax imposed, without the assent of Parliament, that is, of the King, and the two houses, of Lords and Commons; and this assent must be given by each separately. The King, however, possesses a negative voice only; and no measure can originate with him, unless it be on the occasion of an act of grace. The two Houses possess the power of originating all measures indiscriminately, with the exception of bills affecting the rights of the peerage or containing any grant of money, which must be always introduced in the house of Lords or Commons respectively; and in neither case can the bill so introduced in one house, undergo any alteration in the other. Parliament is called together by the King, and is prorogued or dissolved by him whenever he thinks fit. He is bound, however, to call it together "once at least in every year, and oftener if need be." A prorogation is the continuation of the parliament from one session to another; a dissolution, is its civil death, which happens by law at the end of every seven years from its commencement, unless it be previously dissolved by Royal proclamation. The whole of the administrative and executive duties of government are performed in the King's name. Through the medium of machinery adapted to that end, he superintends the administration of justice, and causes the laws to be duly carried into effect. All courts of justice, and their attendant functionaries and officers, as judges, sheriffs, justices of the peace, constables, &c. derive their authority mediately or immediately from him. It is the duty and office of the King to suppress disturbances, and preserve peace throughout the kingdom, any violation of which is therefore called a breach of the King's peace. In our foreign relations, he makes war and peace, negotiates treaties, sends ambassadors abroad, and receives them at home. As incidental to the discharge of these onerous duties, the King has the entire disposal of the national force, military as well as civil, the officers in each being appointed by him, though their pay is provided for by authority of the whole parliament. In the exercise of his prerogatives within the limits sanctioned by law, he is responsible to none; and even if any act done by his direction be not within the recognised power of the Crown, he is exempted from *personal* responsibility. Hence it is, that the king, in all his acts, employs the agency of officers or persons not protected by any such legal exemption, and uniformly leaves the conduct of state affairs to his ministers, a certain number of whom form what is termed the Cabinet Council. The acts of the executive are also necessarily subject to another very effective check. As the ordinary revenues of the crown are no longer adequate to the exigencies of the state, a frequent resort to the Commons for pecuniary supplies has become necessary. On such an occasion the measures of the ministers are often the subject of discussion, and the means of carrying them into effect may be either withheld, or granted upon equitable conditions. It is, however, obvious, that the power of absolutely withholding them can be beneficially exercised only where they are not essentially necessary to the common welfare: thus, it would be absurd for the Commons to attempt to restrain the ministers of the crown, by refusing to pay the public creditor, or to maintain the civil and military establishments of the empire.

In tracing the history of the English Constitution, we are naturally carried back to our continental ancestors, in whose rude institutions, as described by Cæsar and Tacitus 1800 years ago, ingenious inquirers have thought they could discern those principles of civil and political liberty which time and a happy concurrence of circumstances have gradually matured into the government we now enjoy. It will be sufficient, however, for our purpose, to commence with the Saxons, who established themselves in England in the fifth and sixth centuries. A succession of invasions from the northern shores of the German continent was followed by the gradual establishment of several independent states, forming what is usually but inaccurately called the Saxon Heptarchy. In the reign of Egbert, about 827 or 828, these several states were united into one; and from this æra the kingdom of England dates its existence among nations. The precise nature of the government established among the Saxons, between the time of Egbert and the Norman conquest, partially modified by the accession of a Danish dynasty towards the close of that period, cannot be ascertained with certainty. But there are historical grounds for asserting with confidence that the form of government, or the popular control exercised over the royal authority, through the medium of an independent council, presented striking features of resemblance to the constitutional forms that have prevailed ever since the Conquest. The *Wittenagemote* was not only a legislative assembly, but also a supreme court of judicature. It made laws, imposed taxes, tried great criminals, decided questions of property, advised the King on the administration of his government, and occasionally interfered even in the appointment of his ministers. The name, and perhaps the composition, of this assembly were changed under the Norman dynasty; but its functions were not materially altered. The constitution of the wittenagemote has been the subject of much dispute. The principal men in the country, without doubt, were members. Earls, bishops, and many of the thanes, — dignities which involved personal influence and large territorial possessions, — had seats in it: but the extent or even the existence of a representative system among that body must be regarded as doubtful, not indeed because the practice of representing districts or collections of people by select delegates was unknown to the Saxon law but because no distinct evidence has yet been produced to warrant the assertion*; nor are we justified in supposing that the cities and boroughs of that period were destitute of weight or influence, merely because their names are not to be found in the Great National Council. There is reason to believe that many of the great cities, before the Conquest, were places of strength and importance, occupied by a martial population, and accustomed to act a leading part in the political revolutions of the state: more than one monarch owed his crown to the election of the burghers of London; and Exeter is thought to have been a free city before the crown of England had any recognised existence.

* The speculations of a very learned author on the connection between the parliament and the Anglo-saxon leet, may be seen in the *Edinburgh Review*, No. 72. Art. 1. See also *Palgrave's Commonwealth.*

The Norman Conquest in 1066 is usually referred to as the commencement of a new system of government; and the establishment of the feudal tenure with its various incidents.

The Normans, as well as the Saxons, were of Teutonic extraction, though from parts considerably further to the north. Their settlement in Normandy was effected about the year 912. It can scarcely surprise us, if several things should be found in common in the institutions of two people descended from the same stock; and the feudal polity has been proved to have prevailed to a certain extent in this country before the Conquest. But the feudal system, as practised under the Norman princes, most probably sprang up on the Continent, subsequently to the occupation of England by the Saxons; the predatory wars carried on there naturally giving a more military form to the institutions of an infant nation, than they assumed in a country less harassed by such warfare. The great object of the feudal system was mutual assistance in times of war and common danger. All the lands in a country were considered as originally appropriated to the chief or king; and were parcelled out among his followers, in consideration of their performing certain services of a military nature. To the performance of these, every one bound himself by oath, which he took on being admitted into possession of his fief or estate. If he failed in his duties, his lands were forfeited, and again reverted to the crown. The king was termed lord paramount, his tenants barons, crown vassals, and tenants *in capite*, and their lands feuds or fiefs. The king's immediate tenants again divided their lands to other subtenants, who entered into similar engagements to their lords, and held of them upon the same terms by which they held of the king. The obligations between the lord and vassal were mutual; it being as much the duty of the lord to protect his vassal, as of the vassal to do fealty and service to his lord. Nor were the services to be performed by the military tenant left to the lord's caprice; every thing was fixed and ascertained: beyond such duties as were contained in the terms of his tenure, nothing could be required from the vassal but by his own consent. Courts were held by all the feudal lords on their fiefs or manors, at which their tenants attended, and where all disputes and complaints respecting the lands of the manor, and other questions litigated between tenant and tenant were determined. At the same courts, the by-laws and local usages within the manor or district were declared and enforced, and matters of common concern were regulated by common consent. The lord presided either in person, or by his seneschal or steward; and the tenant and free suitors of the manor were the peers, or *pares Curiæ*, who adjudicated both upon law and fact. The Great Council, or Court of Parliament under the Norman dynasty, has been supposed by some of our constitutional writers to have been in its origin a similar court, convoked by the king as the paramount feudal lord, and attended of right by those who were his immediate tenants; as in the courts baron of inferior lords, the suitors in this supreme court were termed barons, and the collective body formed the baronage or peerage of the realm, from which the present House of Lords derives its descent and its judicial character.

Without stopping to investigate the correctness of this view of the legislature, it may be safely assumed, that whatever modifications the parliament may have undergone under the influence of feudal institutions, its origin is not purely feudal; but its constitution owes its popular and representative character to its early connexion with the county courts of the Anglo-Saxon period. It is the remark of Hume, sanctioned by the adoption of a very able constitutional writer, "that the institution of county courts has had greater effects in the government of England, than have yet been accurately pointed out by historians, or traced by antiquaries."

In the further prosecution of our design, we shall, for greater convenience, divide the time embraced in this sketch into three periods: the first, which comprises the developement of the constitution, will extend from the Conquest to the wars of the Houses of York and Lancaster, in the reign of Henry VI., at the commencement of which the government seems to have nearly attained its present form; the second will embrace the interval between that reign and the Revolution; and the last will bring us thence down to the present time.

I. The history of the first princes of the Norman line exhibits a series of struggles between them and their vassals and subjects; the monarchs, always endeavouring to extend their prerogative, and the barons, aided in general by the people, strenuously resisting the attempt. The charters that were from time to time obtained from the monarchs were little more than acknowledgments, on their part, of the previous rights of their subjects. They were not, nor did they generally profess to be, enactments of new laws or reformations of old ones. They were only successive declarations of the immemorial usage of the land, repeatedly violated, but never effectually repealed. The most celebrated of these, called MAGNA CHARTA, was signed by King John on Runnymeade, on the 15th of June, 1215. The credit of drawing it up is usually attributed to William, Earl of Pembroke, and Stephen Langton, Archbishop of Canterbury and legate to the Pope. "Its language is simple, brief, general, without being abstract; and expressed in terms of authority, not of argument; yet commonly so reasonable, as to carry with it intrinsic evidence of its own fitness. It was understood by the simplest of the unlettered age, for whom it was intended. It was remembered by them; and, though they did not perceive the extensive consequences which might be derived from it, their feelings were unconsciously exalted by its generality and grandeur." (*Mackintosh, Hist. of England*, vol. i. p. 220.)

The greater part of it is directed against the abuses of the king's power, as feudal lord; but the remainder contains principles of universal application, which gives it an authority, even at the present day, in matters of constitutional law. In it we find the germ of many of our most valued institutions; and there are few occasions which have occurred for discussing great questions of constitutional moment, on which its provisions have not been appealed to in aid of the liberty of the subject: thus, in the clause which declares, "that no freeman shall be taken or imprisoned, or in any manner proceeded against, except by the lawful judgment of his peers, or by the law of

the land," our great legal authorities discern the principle of the writ of habeas corpus, and the trial by jury. But the most important part of Magna Charta, for our present purpose, is that which ordains, "that no scutage or aid shall be imposed in the kingdom, beyond the ordinary liabilities of the feudal tenure, unless by the Common Council of the kingdom." It recognised and established the abstract principle, that the nation should not be taxed, but by its own consent; and it only required time, and a course of events which were even then in progress, to raise the commons to sufficient importance to bring them within the operation of this clause. It is not to be supposed, however, that these charters met with very punctual observance: indeed, the frequent demand for their confirmation seems to attest the habitual disregard with which they were treated; and the generality of the terms in which they were expressed, afforded frequent occasions for violating their spirit. They served, however, to keep alive, in the minds of the people, a knowledge of their rights and liberties, even at a time when they were unable to enforce them; and, afterwards, when they acquired this ability, they were of the last importance, as constituting solemn documents, not to be denied or disputed, in which the prerogatives of the crown, and the rights of the subject, had been deliberately ascertained.

We have already adverted to the constituent members of the Common Council (*commune concilium*) mentioned in the charters. The provision for summoning it, contained in the Great Charter, is as follows: — "We will cause the archbishops, bishops, abbots, earls, and greater barons to be separately summoned by our letters, and we will direct our sheriffs and bailiffs to summon, generally, all who hold of us in chief, on a certain day (40 days at least before their meeting), and to a certain place; and in all such letters we will declare the cause of the summons." The tenor of the writs issued in pursuance of this charter very clearly indicates the class of persons who were at this time the legitimate members of the parliament. By the greater barons, nothing more, it is probable, was meant than the more powerful ones; and a personal summons might be intended only as a mark of greater respect; unless, indeed, the distinction rested on some unknown feudal principle. All who held their lands immediately of the crown were deemed to have an equal right to a seat. But in succeeding reigns this practice was altered, and such only as were actually summoned were permitted to attend; whence originated the mode of creating peers by writ of summons. Although we can perceive in the above provision the element of that distinction which afterwards caused the separate assemblage of two houses, we are not to suppose that at this time any such separation had, in fact, taken place: nor have we any evidence that the boroughs and cities were then admitted to participate in the deliberations of the council. With regard to the cities and boroughs, it has been observed, that the king had no motive to summon them for the purpose of obtaining grants of money, as long as the practice prevailed (which was not entirely abandoned till the reign of Edward II.) of negotiating with them for supplies on the footing of free gifts. We learn from the records of the Exchequer, that during part of the 12th and 13th centuries, the contribution of

citizens, burgesses, and tenants in ancient demesne, in the form of aid and talliages, were obtained from each city or borough separately, by the solicitation of the justices in eyre, or of special commissioners employed for that purpose. In many instances the boroughs, being the demesne land of some superior lord, must have been taxed through the medium of their feudal seigneur, who was enabled, by law, to make his tenants contribute to the aid he had himself agreed to give. The first occasion, on which there is undoubted evidence to prove that burgesses were actually summoned, was in 1265, during the reign of Henry III., when Simon de Montfort, Earl of Leicester, the leader of one of the contending parties then in the field, issued writs, directing the election and return of two knights for each county; two citizens for each city; and two burgesses for every borough in the county. The earliest writs to summon the citizens and burgesses were directed, not to the sheriffs, but to the cities and boroughs themselves. Towards the reign of Edward I. a different form was introduced, and the writs were thenceforward usually addressed to the sheriffs, who were directed, in general terms, to make returns from "every city and borough within their bailiwicks." In this form the writs are still issued.—(See *post.*) By what class of electors the members for the cities and towns were returned is a question involved in great obscurity: at all events, no qualification seems to have been necessary for the representatives. With regard to the electors of knights of the shire, there is good ground for believing that, even before the statute 7 Hen. IV., the election was made in the full county court by the suitors to it, and that these suitors were not only the tenants in chief of the crown, but also all the freeholders of mesne lords. After the parliament of De Montfort, no mention is made of the commons until the subsequent reign of Edward I., the acts in the beginning of which are said to be passed with the consent of the "commonalty;" and, for the first time, we find the king, on confirming the previous charters (25th Edward I., 1297), which all the sovereigns were required to do, acknowledging the "commonalty" as an estate of the realm, and granting to them, for himself and his heirs, that "no aids, scutages, or prizes, should be taken thenceforth but by the common assent of the realm, and for the common profit thereof." It is from this period that we must date the origin of our present legislature. At a subsequent period (1306) of the same reign, this was further confirmed by the statute "*De tallagio non concedendo*," enacting, "that no talliage or aid should be taken without the good-will and assent of the archbishops, bishops, earls, barons, knights, *burgesses*, and other freemen of the land." Henceforward the commons appear to have been pretty regularly summoned during the reign of Edward I.

It is unnecessary to specify in this place the various improvements made by this monarch in the judicial polity of the country, as we shall afterwards have occasion to mention them when treating of the judicial system. It should be noticed, however, that the abolition of the practice of subinfeudation in this reign, gave a fatal blow to the feudal system, and has probably had a most important effect on the constitution of this country. Previously to this, every landowner had it in

his power, by partial alienations of his lands, to create a feudal tenantry around him, subject to the military obligations and civil duties incidental to the relation of lord and vassal. But, by the 18th of Edward I., commonly called the statute of *Quia emptores*, it was enacted, that on every alienation, the alienee should be considered as holding, not of his immediate grantor, but of the same lord and upon the same terms as the grantor himself had held." The professed, and perhaps the real, intention of the statute was, to save the rights of the lords. In its inevitable tendency and result, it destroyed subordinate vassalage, and impaired the strength and perpetuity of the feudal system. In conjunction with other causes it put a stop to the erection of seignorial jurisdictions; and thenceforth the presumption was, and still is, that lands are held immediately of the king, and not of any intermediate feudal superior. In the reign of Edward II. we find the knights of the shire beginning to form one body with the citizens and burgesses, and sitting and deliberating separately from the lords; a circumstance which, in the result, has most materially contributed to give weight and importance to the popular branch of the legislature. It is one of the circumstances which has, perhaps, served to distinguish the English parliament from other similar assemblies in Europe, and is supposed by more than one acute constitutional authority to have been the means of augmenting the power and preserving the political existence of the commons. In this reign, the acts were, for the first time, headed with the present formula, and are stated to be passed "with the assent of the prelates, earls, barons, and commonalty of the realm in parliament assembled." A statute of the 15th of Edward II. (1322) declares that "the matters to be established for the estate of the king, and of his heirs, and for the estate of the realm and of the people, should be treated, accorded, and established in parliament by the king, and by the assent of the prelates, earls, and barons, and the commonalty of the realm, according as had been before accustomed." This act, as Mr. Hallam has remarked, not only establishes, by a legislative declaration, the present organization of parliament, but shows that it had existed for some length of time.* Under Edward III. the constitution was still more fully developed, and the laws began to assume that specific character, in detail, required to make them effective. By an act passed in the 4th year of his reign (1330) in revival of a similar enactment in the reign of his predecessor, Edward II., it was ordained, "that parliaments should be holden every year once, and oftener if need be." It has sometimes been contended that a new parliament was required under the operation of this act; but the reasonable construction invariably put upon it requires only a *session*, and not an *election*, in each year; and the soundness of this construction has been demonstrated by very conclusive proofs.—(*Edinburgh Review*, March, 1817, Art. 6.) Upon the accession of Henry IV., in 1399, we find parliament, as representing the estates of the realm, ratifying the abdication of Richard II., and the choice of Henry, on the principles and nearly in the terms afterwards appealed to at the Revolution in 1688. It might be, and doubtless was, an ob-

* Constitutional History of England, vol. i. p. 4.

ject with Henry to have its sanction to his usurpation; and the part taken by the legislature on that occasion must have assisted in giving it a moral influence, and in teaching it a sense of its own high destination. The expulsion of Richard, though effected by the arms of Henry, was in perfect accordance with the wishes of the nation. The Commons, indeed, had previously (in 1381) laid before Richard a remonstrance, remarkable for its bold and independent spirit, and bearing strong testimony to its political importance. — (*Rot. Parl.* vol. iii. p. 100.) In it, they tell the king, that, "unless the administration of the kingdom be speedily reformed, the kingdom itself will be utterly lost and ruined for ever." In this reign the first instance of an impeachment, which has since become one of the acknowledged constitutional checks on the misconduct of a minister, is said to have occurred. In the 7th year of Henry's reign (1405), an act was passed, which is supposed by Carte and others to have had the effect of throwing open the elective franchise, for counties, to all the freeholders, instead of confining it to tenants in chief. But the better opinion is, that the statute was intended to restrain the partiality of sheriffs who had admitted no suitors to vote but those whom they had summoned for that purpose. By directing the election to be made by *all* the suitors, the return to be made by indenture, to which the electors themselves were to be parties, this statute secured the constituency from undue practices, and at the same time furnishes some presumption that the franchise was at this time regarded by the commons as a valuable political privilege. It was an early recognition of the importance of a free election, and may be regarded as one of the foundations of election law at the present day. It ordained, "that thenceforth, at the next court to be holden for the county, after the delivery of the writ of summons, proclamation should be made, in the full county, of the day and place of the parliament; and that all they that should be there present, as well suitors duly summoned for the same cause, as others, should attend to the election of the knights for the parliament, and then, in the full county, should proceed to the election, freely and indifferently, notwithstanding any request or commandment to the contrary."

The act further directs, that the names of the persons chosen should be written in an indenture, under the seals of all that did choose them, which indenture should be tacked to the writ, and returned along with it to the sheriff. The form prescribed is still adhered to in practice.

Provision for the freedom of debate was not neglected, for in the same reign (*Rot. Parl.* vol. iii. p. 611.), in an arrangement made between the Lords and Commons upon some invasion of the privileges of the latter, it was declared to be illegal for one branch of the legislature to interfere in any matter under discussion in the other, until formally communicated. The exclusive right of the House of Commons to originate all money bills was also mentioned upon this occasion, in a manner which would seem to show its existence at that period. In the beginning of the reign of Henry VI., the first disqualifying act (8th Henry VI. c. 7., 1429) was passed for confining the right of voting to the 40*s.* freeholders; or, as the act expresses it, to those

freeholders who *can dispend* 40*s.* by the year. In the same reign (23 Henry VI.) the legislature required a qualification in knights of the shire, by providing that they should be actual knights, or such notable esquires or gentlemen as had estates sufficient to be knights, and by no means of the degree of yeomen: but the form of writ in use before the passing of this act forbids us to suppose that this was more than a declaratory law. No qualification, however, at that time, appears to have been required for the representatives of boroughs.*

Here, then, we close our review of the first of the periods referred to. The House of Peers, composed of barons, powerful from their territorial possessions, was at once feared and respected by the Crown. The practice of creating peers, by mere writ of summons, had, indeed, been commenced, but its influence was hardly felt. The Commons, also, from their peculiar position, as holding the balance of power between the Crown and the nobility, were rapidly advancing in importance. Their support was required and solicited by both parties, each of which found the advantage of maintaining an interest among them: and many curious documents are extant, which, by showing the intrigues carried on with the view of procuring or preventing the return of members, are clear proofs of their growing influence in the state. During the latter part, indeed, of the period just described, the Commons took an active part in the management of public affairs, and manifested, on all occasions, no small degree of spirit in asserting and vindicating their privileges. Their exclusive right of originating money bills, their freedom of debate, and personal immunities, were claimed and exercised; and the remonstrances which, from time to time, they addressed to the sovereign, attest at once, their independence and their conscious strength. The rights of the subject also, as far as laws alone could go, were well secured. No tax could be levied, no law enacted, without the assent of Parliament. No freeman could be imprisoned, but by legal warrant, specifying the nature of his offence; and, by long-established usage, equivalent to law, he was speedily brought to trial. The trial was had in the public court of the county in which the offence was committed, and the question of guilt was determined by a jury of twelve neighbours of the offender, summoned indifferently by the sheriff, and either cognizant of the circumstances of the alleged offence, or ready to inform their consciences by the testimony of others.

II. In the early part of the second period, which extends from the reign of Henry VI. to the Revolution, the constitution can hardly be said to have been progressive. The civil wars occupying a large portion of it, for a while interrupted all regular government; and when, on the accession of Henry VII., the ancient order of things was restored, a marked change in the structure of society had taken place. The powerful families of the feudal period had mostly disappeared, or were partially extinguished; the peerage had become little more than a personal distinction, retaining only the valuable privilege of

* Andrew Marvel, member for Hull in the first parliament after the Restoration, was the last person, in this country, who received wages from his constituents. But the practice had long before ceased to be general.

a hereditary right of legislation and jurisdiction; and the commons had not yet risen into sufficient importance to supply the place of the ancient nobility. In consequence of these circumstances, and of the introduction of standing armies about this time, the crown acquired a degree of authority and independence before unknown. The reigns of Henry VII., Henry VIII., Mary, Elizabeth, and, we may had, of James I., furnish few acts of constitutional value or importance. The legislature seemed to be at the disposal and will of the sovereign; and, in the reign of Henry VIII., had sunk so low, that a minister of the crown did not scruple to enter the House of Commons for the purpose of rating its members, while the speaker — Sir Thomas More — was fain to fall on his knees and to tender their humble apology. Elizabeth treated them with nearly the same indignity; and even imprisoned the members for venturing to oppose her wishes. During this period the Courts of the Star Chamber and High Commission were either erected or remodelled; the former by Henry VII., the latter by Elizabeth. It was then too that the doctrine of the divine right of kings, and of the duty of passive obedience, sprang up and flourished under the fostering patronage of men, who found it more flattering to the prince, and, consequently, more conducive to their own private interests, to draw their notions of civil liberty from the Pandects and Decretals, than to seek for its sources in the sound and genuine principles of our early polity. In the mean time another and a mightier power was at work. The art of printing — an art destined to effect an important change in the state of mankind, and to convert, not only kingdoms, but, it may be in the end, the whole civilised world, into one vast literary republic — had been discovered. The insular situation of England, and the consequent peace she enjoyed, no less than the character of her new religion, which favoured the progress of free inquiry, rendered this country peculiarly fitted for the cultivation of learning and science. Grammar schools, indeed, had been every where established at the Reformation. The knowledge previously monopolised by the ecclesiastics began to be generally diffused, and the classic authors of Greece and Rome now every where in the hands of youth, cloud not fail to spread the influence of the noble and generous sentiments on public policy which they inculcate. Accordingly, even as early as the latter part of the reign of Elizabeth, the people were beginning to bear the yoke of unrestrained power impatiently. In the second year of James I. the Commons presented that monarch with a memorial, termed their "Apology" (*Parl. Hist.* 1030.), justifying certain proceedings, at which he had taken offence, and at the same time boldly and explicitly asserting their rights and privileges, with a force of language and a power of reasoning that evince it to have been the work of no ordinary minds. After stating, at some length, their privileges and liberties, which, they affirmed, were "their right and inheritance, no less than their very lands and goods," they say, "that in that session the privileges of the House had been more universally and dangerously impugned than ever, since the beginning of parliaments. That, in regard to the late queen's sex and age, and much more upon care to avoid all trouble, which by wicked practice might have been drawn

to impeach the quiet of his Majesty's right to the succession, those actions were then passed over, which they hoped, in succeeding times, to redress and rectify; whereas, in that parliament, not privileges, but the whole freedom of the realm, had been hewed from them." "What cause," they proceed, "we poor Commons have to watch over our privileges, is manifest in itself to all men. The prerogatives of the prince may easily and do daily grow. The privileges of the subject are, for the most part, at an everlasting stand. They may be, by good providence and care, preserved; but being once lost, are not recovered but with much disquiet." (1 *Hallam's Const. Hist.* 417.)

It was not, however, till the following reign that the strength which popular principles had been for some time acquiring, became fully apparent. Charles I., deeply impressed with the notions of divine right and absolute power, neither could bring his mind to make the concessions which the times required, nor possessed sufficient energy and decision to take the measures necessary to enable him to preserve what he had. It was now that the advantage of such a national record as Magna Charta became felt. In it men, eager for the formation of a free government, found the rudiments of one ready framed to their hands. They were attempting no innovations; they asked only for the constitution enjoyed by their fathers; and thus, by judiciously combining the deductions of reason with the reverence paid to antiquity, the reformers of that day enlisted the prepossessions of the people in their service; a circumstance of the last moment in such a struggle.

The great constitutional acts passed in the time of Charles I. do little more than recite and confirm the ancient charters and statutes already referred to, and provide that in future they may be more effectually observed. Thus, the Petition of Right (3 Charles I., 1627), framed by the most celebrated statesmen and lawyers of that day, commences by reciting the statute of Edward I., "De tallagio non concedendo," and the clause in Magna Charta on the same subject; and concludes by praying, nearly in the words of those statutes, that their contents should be re-enacted, and that the previous violations of them should not be drawn into precedent. The act for abolishing the Star Chamber and jurisdiction of the Privy Council (16 Charles I., 1640) in like manner sets out by reciting the clause of Magna Charta, and the acts of Edward III., which had long before declared it to be illegal to imprison a free man otherwise than by the judgment of his peers; and again declares that neither his Majesty nor his Privy Council have any jurisdiction, power, or authority, by English bill, petition, articles, libel, or by any other arbitrary way whatsoever, to examine or draw into question the lands or goods of any subjects of this kingdom; but that the same ought to be heard and determined in the *ordinary courts of justice*, and by *course of law*. By another act, passed in the same year with that last mentioned, the Court of High Commission was also abolished.

The military despotism which succeeded, and during which the supreme power fell into the hands of far different persons from those whose firmness and moderation procured the above peaceful triumphs,

was of short duration: England had passed the period when such a government could be maintained. The Commonwealth, as it was termed, scarcely lasted 12 years, and in 1660, Charles II. was recalled to the throne of his ancestors, and the old constitution again established. In his reign was passed the *Habeas Corpus* Act (31 Car. II., 1677), said to be the palladium of an Englishman's liberty. By it every man illegally detained in prison, and the ground of whose detention is questionable, may insist on being forthwith brought before a judge of one of the higher courts, to have the legality of his detainer determined; and it declares it to be illegal for the sovereign to send any British subject to prison "beyond the seas." It is a mistake, however, to suppose that this act introduced any thing essentially new: the writ of *Habeas Corpus*, and the subject's right to it, are as old as the constitution itself; but, in the latter reigns, impediments had been thrown in the way of obtaining it, and abuses grew up which this act was calculated to remove. In the reign of Charles II., military tenures, with their long train of feudal consequences, were formally abolished, and all freehold property put upon the footing of the free and common tenure which now generally prevails.

The right to petition the King and both Houses of Parliament, and to lay before them a full statement of the wishes, and of the real or supposed grievances of the subject, is one of the most important constitutional rights of Englishmen. By it the legislature is authentically informed of the feelings and wishes of the nation as well as of individuals, on all points of public interest and importance; and the risk is obviated of introducing, or of ignorantly sanctioning, measures opposed by any considerable portion of the people. This right was recognised and regulated by an act of the 13th Charles II., and was afterwards unequivocally asserted and confirmed by the Bill of Rights, with no other restraint than that which was deemed essential to its effective exercise, and to the due preservation of the public peace.

The Revolution of 1688 was in effect a repetition of the proceedings three centuries before on the abdication of Richard II. Again the nation, represented by its three estates, asserted and exercised the right of substituting a sovereign in the place of the one whom they had compelled to abdicate. But the ease with which it was effected is, perhaps, unparalleled in history. Great and fundamental changes in the state are too often effected only by a convulsive effort, in the midst of violence and bloodshed: here it was brought about tranquilly, without disturbance of public or of private rights, and almost without interrupting the daily concerns of life. The measure was dictated by reason, not by passion or vengeance; it was not resorted to until all other methods had been tried and failed; and, instead of abandoning its execution to the ungoverned interference of the populace, the leaders of the people and flower of the peerage concurred in its necessity, and harmoniously co-operated in its peaceful accomplishment.

On this occasion, before the crown was tendered to William, a solemn declaration of the rights and privileges of the subject was made by the Lords and Commons, as "representing all the estates of the people of this nation:" which was subsequently ratified by Parliament in the

celebrated statute (1 Will. & Mary, sess. 2., 1689) known by the name of the "Bill of Rights." Like the popular acts of Charles I. and II., it contained nothing unknown to the best days of the constitution; but, as this was the last occasion on which the liberties of the people and the prerogatives of the Crown were defined, we shall extract from it so much as relates to them.

By this statute it is declared —

1. That the pretended power of suspending of laws or the execution of laws, by regal authority, without consent of Parliament, is illegal.

2. That the pretended power of dispensing with laws, or the execution of laws, by regal authority, as it hath been assumed and executed of late, is illegal.

3. That the commission for erecting the late Court of Commissioners for Ecclesiastical Causes, and all other commissions and courts of like nature, are illegal and pernicious.

4. That levying money for or to the use of the Crown by pretence of prerogative, without grant of Parliament, for longer time or in other manner than the same is or shall be granted, is illegal.

5. That it is the right of the subjects to petition the King; and all commitments and prosecutions for such petitioning are illegal.

6. That the raising or keeping a standing army within the kingdom in the time of peace, unless it be with consent of Parliament, is against law.

7. That subjects which are Protestants may have arms for their defence, suitable to their conditions, and as allowed by law.

8. That election of members of Parliament ought to be free.

9. That the freedom of speech, and debates or proceedings in Parliament, ought not to be impeached or questioned in any court or place out of Parliament.

10. That excessive bail ought not to be required, nor excessive fines, nor cruel and unusual punishments inflicted.

11. That jurors ought to be duly impanneled and returned, and jurors who pass judgment upon men in trials for high treason ought to be freeholders.

12. That all grants and promises of fines and forfeitures of particular persons, before conviction, are illegal and void.

13. That, for redress of all grievances, and for the amending, strengthening, and preserving of the laws, parliaments ought to be held frequently.

III. We come now to the consideration of the third period, which brings us down to the present time. After the conquest, we saw a people deeply imbued with ideas, if not of civil liberty, at least of freedom and independence: emerging from a rude and barbarous polity, we saw the constitution growing up, and assuming a form impressed by circumstances, rather than moulded on any preconcerted plan: we saw that constitution repeatedly sanctioned by solemn acts of the legislature, and at length established nearly on its present basis. When the civil commotions which distracted England during the long reign of Henry VI. had subsided, we found that the circumstances

which had led to the establishment of the constitution, and had supported it when fully developed, no longer existed, while the people were unable of themselves to maintain a free government. Accordingly, we saw the constitution degenerate from a limited monarchy to one which was daily growing in absolute power. As society advanced, we saw the people reassert their rights, and at length succeed in establishing them. Throughout the struggle, and through all its various vicissitudes, the ancient form of government, with few and short suspensions, has remained unimpaired: but, though in outward appearance the same, a great alteration had now taken place in its spirit and character. The King was no longer a powerful lord at the head of his vassals, as in the first period; nor an absolute monarch, feebly controlled by an inefficient Parliament, as in the second. Henceforth, the Crown, dependent for its ordinary revenues on the goodwill of the commons, and leaning for support on the influence of a wealthy and powerful aristocracy, adopted the policy of employing the latter as the means of conciliating the former. The management of political affairs was left almost entirely to ministers necessarily selected from among the party which happened, for the time, to predominate in Parliament; and it speedily became, as at present, a matter of prudence, and even of necessity, for the sovereign to exercise as little direct interference as possible, save only in the selection of the instruments of government. Through the medium of the great land-owners, a large portion of the county constituencies was secured. By the gradual contraction of the corporate franchise, the towns, also, had become accessible to external influence. By the prudent management of these resources, and the wary distribution of the public patronage, the Crown was enabled to regain much of its lost authority, and the milder efficacy of *influence* was substituted for the rude mechanism of mere *force*.

The constitutional changes to be noticed in this period are the Unions with Scotland and Ireland which naturally tended, by consolidation, to strengthen, exactly by the converse of the principle which makes division weakness. The former of these took place in the 5th of Anne (1707), the latter in the 40th of George III. (1800). A statute was also passed in the 9th of Anne, which made a qualification of landed property necessary both for a knight of the shire, and for a borough member. The Triennial Act (6th of William and Mary, c. 2.) limited the duration of each parliament to three years, which before had no necessary limitation, but might have been continually kept alive by repeated prorogations. By the subsequent act of 1st of George I., called the Septennial Act, this term was extended to seven years, for the avowed purpose of withdrawing the members of the lower house from the influence of their popular constituencies during a period of time which might leave them more at large to consult the interests, rather than the wishes, of the people, in the discussion and adoption of public measures.

Notwithstanding the long and expensive wars attendant on the accession of William, and the establishment of a foreign family on the throne of this kingdom, it must be admitted that the internal resources of the nation outgrew the demands that were made upon them during this period.

The extension of commerce and manufactures, after the treaty of Paris, in 1763, was rapid and unprecedented. Large manufacturing and commercial towns arose in all parts of the country, the inhabitants of which were but little influenced by those powerful ties which generally connect an agricultural population with the superior land-owners. With the increase of opulence and population consequent upon the increase of manufactures and trade, education and the desire of political information became more generally diffused. The press acquired great influence. Political journals were established in every considerable town, in which the conduct of public men and the policy of all the measures of government were freely canvassed. The improved facilities of internal communication afforded the means of conveying intelligence with astonishing rapidity from one part of the country to another; so that most persons began to take an interest, not only in what was going on around them, but in public affairs, and in the concerns of the remotest parts of the empire. Prejudices and established opinions of all sorts were openly attacked. The structure of the political fabric, and the rights and privileges of the different ranks and orders of society, were subjected to a searching investigation; and their claim to respect began to be tried by reference to their usefulness rather than their antiquity. Public opinion, expressed through the medium of a thousand different channels, became a check on the executive scarcely inferior in efficacy to the existence of a popular assembly. Under such circumstances we need not wonder that the enterprising citizens of great manufacturing and commercial towns, as Manchester, Birmingham, Sheffield, &c., felt daily more dissatisfied at being denied the privilege possessed by so many inferior boroughs, of sending representatives to the House of Commons. They began, during the American war, publicly to manifest their impatience at such exclusion; and, deriving confidence from their numbers, their wealth, and their intelligence, they prosecuted their claims to participate directly in the privileges of the constitution with a boldness which would probably have been long ago successful, if the progress of peaceful reformation had not been arrested by the violence of the French revolution. The alarms occasioned by that event, and the war that grew out of it, suspended for a while the demand for a remodelling of the representative system. But, after the peace of 1815, these solicitations were renewed; and the reasonableness of the claim, united with the great accession of popular influence and the excitement occasioned by the movements on the Continent in 1830, made it imprudent any longer to disregard it. A free government, to be secure, must possess the confidence of the people; and to enjoy this it must, how reluctantly soever, conform to their reasonable wishes. It is idle to suppose that any particular constitutional system is absolutely perfect, or that it can be always maintained without variation. Human institutions are not destined to be immortal; and unless they be voluntarily modified and accommodated to the varying exigencies of society, the probability is that they will be violently overturned. Impressed with this conviction, a reconstruction of the representative system on a more liberal basis was resolved upon by Parliament, and was at length carried into effect by the Reform Act, of which the general operation and object

was to extend the elective franchise for counties to persons, other than freeholders, whose property or permanent interest in land made them not inferior in rank and independence to the old class of electors; to reduce the influence of close corporations in the return of burgesses, and that of the aristocracy in the return of members for decayed boroughs; and to give to populous towns a new elective franchise founded on the old principle of a scot and lot constituency, with a superadded qualification of value.

A synoptical view of the changes effected by this bill in the representation will be found hereafter in the proper place.

Such, briefly stated, is the British constitution and its history; a constitution under which the people of this island have attained a power unparalleled, perhaps, in the annals of history: "a power," to use the eloquent language of a foreigner, "to which, for the purposes of foreign conquest and subjugation, Rome, in the height of her glory, is not to be compared; which has dotted over the globe with her possessions and military posts; whose morning drum-beat, following the sun and keeping company with the hours, encircles the earth with one continuous and unbroken strain." But it is not on her power, nor the extent of her dominions, that we would rest her greatest claim to admiration. We turn, with more pride and pleasure, to the uninterrupted course of internal peace and prosperity which her people have so long enjoyed. During wars, which in turn have wasted every country around, and notwithstanding the active part Great Britain has taken in them all, the peace of her shores has never been broken. In her happy land the inhabitants have never once been interrupted in following the daily concerns of life; the loom has never been suspended, the plough never laid up; her cities have stood unwalled and defenceless in perfect security; and generation after generation have been gathered together in her quiet churchyards without ever having seen a soldier except on parade, or heard the sound of cannon except in celebration of a victory.

CHAPTER II.—Parliament, its Constitution, Procedure, etc.

Sect. I. *House of Lords.*

Having made these preliminary remarks, we now proceed to examine the different parts of the constitution in detail: and, first, of the legislative body or Parliament.

In treating of Parliament, we shall first inquire into its constituent parts; secondly, its method of proceeding in transacting business; and, thirdly, the manner in which it is adjourned, prorogued, and dissolved.

The constituent parts of Parliament consist of the King, the Lords Spiritual and Temporal, and the Commons.

The consideration of the King and his office comes more properly under that part of the present inquiry which treats of the executive department of government; to which, therefore, we defer it.

The HOUSE OF PEERS, the next in dignity, consists of the Lords Spiritual and Temporal of the United Kingdom. The feudal origin of the peerage has been already noticed; it is now, however, a mere titular dignity conferred by the Crown at pleasure. At present [1838] the House of Lords is composed nearly as follows, though the number, of course, varies from time to time, according to the creation and extinction of peerages: —

Princes of the blood royal	3	Peers of Ireland (of whom 7 are British peers)	28
Dukes	21	English archbishops and bishops	26
Marquises	19	Irish representative archbishops and bishops	4
Earls	112		
Viscounts	18		
Barons	196		
Peers of Scotland (elected each parliament)	16	Total (exclusive of 7 of the Irish peers)	436

The judges, attorney and solicitor-general, and King's serjeants (unless they are members of the Commons, in which case their attendance is dispensed with), as well as the masters of the Rolls and of the Court of Chancery, are also attendant on the peers for the purpose of either giving their opinion and advice when required, or of performing the ministerial offices assigned to them; and they are summoned accordingly, at the commencement of every session. They are not, however, admitted to vote; and, in practice, the judges alone are now required to assist the Lords with their opinion.

The Lords Spiritual, who sit in the Upper House, are the 2 archbishops and 24 bishops of England, and 1 archbishop and 3 bishops from Ireland, who succeed in rotation, and sit for a session only, agreeably to the Act of Union with that country. As there is now no episcopal establishment in Scotland, no Spiritual Lords are sent from that part of Great Britain.

Considerable difference of opinion prevails as to the origin of the right of the bishops to sit in parliament. Some have contended that they sit there solely as barons by tenure upon feudal principles; others have attributed their seat in the parliamentary assemblies of this and other countries to the early influence acquired by them in the various nations that rose upon the ruins of the empire, and have contended that it had not originally any reference to their temporal possessions. On this subject, the report made in 1821 by the Committee of the House of Lords appointed to inquire into the dignity of the peerage, contains the following observations: — "The right of a bishop to sit seems to be in the nature of a franchise annexed to the temporalities of his see, founded on long custom. A bishop, therefore, does not become a lord of parliament until he has been invested with the temporalities of his see; then, and not before, is he entitled to a writ of summons to enable him to take his seat. Consecration, it must be remembered, merely confers the spiritual part of the office; the investiture puts him in possession of the temporalities. When a bishop is

translated from one see to another, his right to a seat in parliament, as a franchise annexed to the temporalities of his former see, ceases in consequence of his cession of that see from which he has been so translated, and he does not become entitled until invested with the temporalities of his new see."

The Lords Temporal comprise such peers of the realm as are lords of parliament, and consist of Dukes, Marquises, Earls, Viscounts, and Barons, who are here enumerated in the order of their rank. Dismissing from our consideration the territorial dignities known to have existed among our Saxon ancestors, and confining ourselves to the period that has elapsed since the Conquest, we find that the names and titles of earl and baron are the oldest that occur in our history. The titles of duke, marquis, and viscount, as titular dignities, originated in later times. The first creation of a duke was by Edward III., that of a marquis by Richard II., and of a viscount by Henry VI. These titles, however, had a much earlier existence in other countries, nor had they been before unknown even in this, as designations of an official character. These new honours sprung respectively from distinct exertions of the undoubted prerogative of the Crown as the fountain of honour, conferring on the holders of those titles the dignity, power, and privilege of peers of the realm and lords of parliament. By the law of England, Peers *of the realm* are always Lords of Parliament; but a Scotch or Irish peer is not necessarily so.

Formerly, England, Scotland, and Ireland had each its own parliament, and, consequently, its own House of Peers. After their union, the three kingdoms ceased to be distinct; their several parliaments were united into one, and the peerage underwent a material change. Such only as were *peers of England* at the Union with Scotland, in 1707, were entitled to sit in the new parliament of Great Britain, the Scotch peers being represented in it by 16 of their number chosen by themselves at the commencement of each parliament. At the Union with Ireland, none but *peers of Great Britain* were entitled to take their seats in the new parliament of the United Kingdom, the Irish peers being represented therein by 28 of their number, chosen for life. The number of Scotch and Irish peers who were thus excluded from parliament, has been since very much diminished through the practice which has prevailed, of creating them peers of Great Britain, and of the United Kingdom, and so making them lords of parliament.

Creation of Peers. — Peerages at the present day are created by writ or by letters patent; for those who claim by descent must suppose either a writ or patent made to their ancestors, though by length of time it has been lost. The creation by writ, or the King's letter, is a mere summons to an individual to attend the House of Peers by the style and title of the dignity which the King is pleased to confer. A patent is a royal grant to a subject of the dignity and degree of peerage. The creation by writ is the more ancient way; but it is said not to ennoble an individual unless he actually take his seat in the house: some are of opinion that there must be at least two writs of summons, and a sitting in two distinct parliaments, to establish in evidence an hereditary barony; and therefore the most usual, because the surest, way, is to grant the dignity by patent, which insures it to

the patentee and his heirs general or in tail, according to the limitation, though he should never himself make use of it. It is not, however, an unfrequent practice to call up the eldest son of a peer to the House of Lords by writ of summons in the name of some barony vested in the father, because in that case there is no danger of his children losing their nobility, as they must, at all events, succeed to their grandfather. Creation by writ is said to have one advantage over that by patent, viz. that a person created by writ holds the dignity to him and his lineal descendants, male or female, without any words to that purport in the writ; whereas, in letters patent, there must be words to give the inheritance or limit the descent of the peerage, otherwise the dignity lasts only for the life of the grantee. A peerage, it is to be observed, may be created for life only, or be made to descend to some particular heirs only, or be limited to collateral relations. Although there is some evidence that the mere tenure of certain lands, castles, or territorial possessions, formerly gave to the owner the rights and privileges of the peerage, yet the better opinion seems to be that no such claim can now be sustained.* The altered circumstances of the times render a peerage of this kind extremely impolitic. During the prevalence of the feudal restraints on alienation, such a peerage was, perhaps, less open to objection. It is, however, wholly at variance with modern principles, and it has accordingly been solemnly resolved by the House of Lords that peerages are not capable of being barred, alienated, or surrendered by act of the party; neither can a peer lose his nobility but by death or attainder, though we have an instance in the reign of Edward IV. of a peer degraded by Act of Parliament, on the ground that his poverty rendered him unable to support his dignity. It has, indeed, been said, the King himself may take away the dignity; but this is denied by later authorities, who hold that it can be done only by Act of Parliament as in the instance just noticed. Another question has been agitated, but does not appear to have been decided, namely, whether a person, on whom the dignity of peer may descend or may be conferred, can waive or refuse the honour: but this is, for obvious reasons, a question of more curiosity than practical moment. The right of creating peers is one of the King's royal prerogatives, and is exercisable at discretion, so that he may at any time increase their number. In Queen Anne's reign, as many as 12 peers were created on one occasion for the express purpose of giving the preponderance to a party in the Upper House.

When any one claims a peerage, the method of proceeding is to petition the King for a writ of summons, who thereupon refers it to the House of Lords to be investigated. When a peerage, as sometimes happens, is in abeyance (as where a peerage devolves on several co-heiresses), none can assume the title until the Crown has terminated the abeyance by selecting some one of the claimants at discretion. If the party in whose favour the abeyance is terminated happen to be a commoner, it is done by writ of summons directed to him in the style and title of the barony in abeyance; if he be a peer already, and has a higher dignity, in such cases the King confirms the ba-

* See Third Report of the Lords on the Dignity of Peer.

rony to him by letters patent: the latter course is also adopted in the case of a female claimant.

A newly created peer is introduced into the House between two lords, in company with a king-at-arms bearing his patent or writ of summons; this he presents to the Lord Chancellor, who, having read it, congratulates the peer on his becoming a member of the House, and invests him with his parliamentary robe. The patent is then delivered to the clerk of parliament; and the oaths having been administered, the new peer is conducted to his seat. No particular form is observed on the introduction of such as claim by descent.

The Lords Spiritual and Temporal, though they differ in their creation and in the right in which they sit, form in the House but one integral assembly, and are blended together under the common name of the Lords. A bill, passed by the Temporal Lords in the absence of all the Spiritual Lords, or against their will, would be as valid as if they had been present; and the same, it is conceived, would be the case with respect to a bill passed by the Spiritual against the unanimous votes of the Temporal Lords.

The manner of sitting in the House of Peers is as follows: — At the upper end of the room, which is of an oblong form, under a canopy of state stands the regal chair, on which, when present, the King sits: close to him, on his right, and under the canopy of state, is a seat placed for the Prince of Wales; and on his left, seats for his other children. They are not, however, entitled to vote unless created peers. When the Queen consort attends parliament she sits on the King's left hand. Near the King, when he is present, stands the Lord Chancellor; when he is not present, the latter sits on a large crimson velvet cushion, called the woolsack. On the right hand of the King, on chairs, are placed the Archbishops; and on lateral benches below them, the Bishops of London, Durham, and Winchester, all the rest of the Bishops sitting according to the priority of their consecration. On the King's left hand, on lateral benches also, are placed such of the officers of state as have precedence of dukes; and on the same side, the Dukes, Marquises, and Earls according to the date of their creations. On the first bench below the woolsack, sit the Viscounts; and on the adjoining benches, the Barons. By a statute of Henry VIII., the Great Chamberlain, Constable, Marshal, Lord High Admiral, Grand Master, or Lord Steward and King's Chamberlain, sit above all others of the same degree of nobility; and the Chief Secretary, being a baron or bishop, sits above barons or bishops who have none of the above-mentioned offices. The Chancellor, though prolocutor of the House by virtue of his office, can notwithstanding leave the woolsack at any time, and take part in the debate, if he be also a peer; which the Speaker of the Commons cannot do. On seats before him somewhat lower, sit the Judges and the Masters in Chancery, when they are in attendance. The Clerk of the Crown and Clerk of Parliament sit on a bench behind the table: without the bar sits the Gentleman Usher of the Black Rod, under whom is a Yeoman Usher; a Crier without, and a Serjeant at Mace always attending the Lord Chancellor. In the same place, below the bar, stand counsel,

witnesses, persons summoned to appear before the House, and such of the public as wish to be present at the debates.

This arrangement is not, however, observed on ordinary occasions. In general, the Peers, with the exception of the Bishops who always retain their places, sit promiscuously; the Ministerial party ranging themselves on the one side, the Opposition on the other. The Treasury benches, as they are called from the Ministers occupying them, are on the right-hand side of the room. The Chancellor, also, as Speaker, always retains his seat on the woolsack, except when he quits it on the House going into Committee, or for the purpose of addressing the House himself, when some other noble Lord, at his request, takes his seat for the time.

Sect. II. *House of Commons.*

Since the constitution of the House of Commons has been remodelled by the Reform Bill, it consists of 658 members, returned in the following proportions:—

England and Wales 500; viz., —		
In England; for counties	144	471
——— universities	4	
——— cities and boroughs	323	
In Wales; for counties	15	29
——— cities and boroughs	14	
In Scotland; for counties	30	53
——— cities and boroughs	23	
In Ireland; for counties	64	105
——— universities	2	
——— cities and boroughs	39	
Total		658

It is, however, a principle of the constitution, that though the members of the House of Commons are returned by particular districts, they are to be considered as representing not the constituency of any particular place, but the commonalty of the whole kingdom. They are not the authorised agents of a county or borough, elected specially with a view to promote its local interests, or represent its wishes, but they are summoned to assent to those measures which shall appear to them conducive to the common welfare, or essential to the support of the state. There are not wanting, indeed, early and plausible authorities to show that the commons were formerly summoned to parliament with a more limited object, and were the depositories of a more limited power from their constituents.* But a different practice has now been established for centuries, and the larger principle, laid down above, is not to be controverted.†

In treating of the constitution of the House of Commons, we shall consider, 1st, the qualification of electors; 2d, the qualification of members; and, 3d, the manner of holding an election.

1. *Electors.*—Certain persons are altogether disqualified from

* Clause 38 Henry III.; 13 Edward III. 2 Rot. Parl. 104, &c.

† 4 *Coke. Inst.* 14. 2 *Whitelocke's Notes*, 329.

being electors; some for ever, as women and idiots; and others during the existence of the disability only. In the latter class are to be ranked persons attainted of treason or felony, or convicted of bribery, perjury, or subornation of perjury, minors, and aliens; the disqualification of the latter, however, ceases on their being made denizens, or naturalised by act of parliament. To these may also be added all persons receiving parochial relief, except militia-men absent on duty, whose families may be relieved without affecting the franchise. By the 23 Geo. III. c. 41., no person in any way employed in collecting or managing the duties of excise, the customs, the stamp duties, the duties on salt, on windows, or houses, or in collecting the revenues of the post office, or in conveying the mail to or from foreign parts is allowed, while holding such employment, to give his vote, or interfere in any election, under a penalty of 100*l.*, his vote at the same time being declared void. This act, however, does not extend to persons engaged in collecting the land tax, or any other rates or duties granted by act of parliament, or to any person holding any office usually granted under letters patent for any estate of inheritance or freehold. Lords of parliament are also disabled from voting, by a resolution of the House of Commons.

Qualification of County Electors. — Before the Reform Act, the qualification of county voters was regulated by the act of 8 Henry VI. c. 7., by which the suffrage was limited to such as possessed freeholds of the value of 40*s.* a year at the least, clear of all charges. These freeholds, however, only confer a vote for the county within which they are situated. The late Reform Act (2 Will. IV. c. 45., 7th June, 1832) has partially restrained the franchise in respect of freeholds for lives, but has greatly extended it in respect of other property, by conferring a right of voting upon certain lessees, leaseholders, and tenants by copy of court roll, or other similar tenure. By that act, no person is to vote in the election of knights of the shire, or of members for any city or town being a county of itself, in respect of any freehold lands in which he has only a life estate, whether for his own life or the lives of others, unless in actual and *bonâ fide* occupation thereof, or except they came to him by marriage, marriage settlement, devise, or promotion to any benefice or office, or unless they are of the clear yearly value of not less than 10*l.* above all rents and charges. All persons, however, who were in possession of such life estates at the time of passing the act, are expressly excepted. By the same act, the elective franchise for counties has been extended to persons seised at law or in equity of any lands or tenements of copyhold or any other tenure for their own lives, or for the lives of others, or for any other larger estate, of the clear yearly value of 10*l.* per annum. Leaseholders of lands of that value, whatever may be their tenure, whose leases were originally created for a term of not less than 60 years, and leaseholders of lands of the clear yearly value of 50*l.* whose leases were originally created for a term of not less than 20 years, are now also entitled to vote; so, also, are all persons who occupy as tenants, any lands or tenements for which they are *bonâ fide* liable to a yearly rent of not less than 50*l.*, subject, nevertheless, to this proviso, that no person being only a sub-lessee, or the assignee of any

under-lease, shall have a right to vote in respect of any such term of 60 or 20 years, unless in actual occupation of the premises.

The charges of which the lands are to be clear, do not, it should be observed, include public or parliamentary taxes, church, county, or parochial rates.

Mortgagees and trustees are not entitled to vote in respect of their trust estates, unless in actual possession, or receipt of the rents and profits [to their own use, as it should seem, sec. 26.]; nor is any freeholder entitled to vote in a county election in respect of lands and premises in his own occupation, which do or might confer on him the right of voting for any city or borough; and no copyholder, leaseholder, or other tenant, can vote in a county election in respect of lands and premises which do or might confer on him, *or any other person*, the right of voting for any city or borough.

Before any person can vote at the election of knights of the shire, he must have been duly registered; and no freeholder, copyholder, customary tenant, or tenant in ancient demesne, is to be so registered in respect of any lands, unless he have been in actual possession, or in receipt of the rents and profits for his own use for 6 calendar months, at the least, previous to the last day of July in such year; and no such leaseholder, occupier, or tenant, is to be so registered in respect of any lands he may so hold, unless he shall have been in actual possession, or in the receipt of the rents and profits for his own use for 12 calendar months, at the least, next previous to the last day in July in such year. All lands or tenements, however, which may come to any person at any time within the above-mentioned periods by descent, succession, marriage, marriage settlement, or promotion to any benefice in the church, or any office, are excepted; and for these a person may have his name registered as a voter at any time, however short his possession.

Whatever may be the amount of property which a person possesses in any one county, it confers only a single vote: the same person may, however, possess votes for different counties, if he happen to have lands of a sufficient value within each of them.

Qualification of Electors in Boroughs. — The qualification for electors in cities and boroughs depends on different principles. The prevalent qualification in corporate cities or towns was formerly the freedom of the place; but it differed much in different places, according to their respective charters, customs, and constitutions. In some, the right of voting resided in the freemen or liverymen; in others, it was vested in the occupiers of certain ancient tenements called burgage tenements; and in others, again, all who occupied a house or even an apartment in one, were entitled to vote. By the late act, however, most of these qualifications have been discontinued for the future; and now no person is entitled to vote in the election of members for any city or borough, except in respect of some right conferred by the act, or as a burgess or freeman, or (in the case of a city or town being a county of itself) as a freeholder or burgage tenant: provided, nevertheless, that all the *present* electors (*i. e.* persons who, at the passing of the act on 7th June, 1832, were electors) shall continue during their lives to exercise their right, at least if they so long remain

qualified, according to the usage or custom of their respective cities or boroughs, or according to any law then in force, and shall also duly comply with the provisions of the act in regard to registration: but no person is to be registered in any year, unless he shall, on the last day of July in such year, be qualified in such manner as would entitle him to vote if such day were the day of election, and the act had not been passed; nor unless such person (where his qualification shall be in any city or borough) shall have resided therein for 6 calendar months next previous to the last day of July in such year, or within 7 statute miles of the place where the poll has theretofore been taken; nor unless such person (where his qualification should be within any place sharing in the election for any city or borough) shall have resided for 6 calendar months within such place, or within 7 statute miles of the place sharing in the election: and if any person neglects to have his name registered in respect of his reserved franchise for 2 successive years, it is lost for ever, unless such omission arises in consequence of the elector having received parochial relief, or in consequence of absence in the naval or military service of his Majesty.

Under the new franchise, which exists alone in the newly created boroughs, and which is given to all the older ones (with the exception of the two Universities of Oxford and Cambridge, in the representation of which no change has been made) in addition to the other qualifications previously existing, all persons who occupy within any city or borough, as owners or tenants, any house or other building, being, either separately or jointly with any land within such place, occupied therewith by them as owners, or occupied therewith by them as tenants under the same landlord, of the clear yearly value of not less than 10*l.*, are, if duly registered, entitled to vote in the election of a member or members for such city or borough: no person, however, is entitled to be registered in any year, unless he have occupied such premises for 12 calendar months previous to the last day of July in such year, nor unless such person (where such premises are situate in any parish or township in which there shall be a rate for the relief of the poor) shall have been rated in respect of such premises, nor unless he shall have paid, on or before the 20th day of July in such year, all the poor rates and assessed taxes which may have become due in respect of such premises previously to the 6th day of April then next preceding. It is also necessary for the voter to have resided in the place for which he claims to vote, 6 months previously to the 6th day of July in such year, or within 7 statute miles of it. It is not necessary, however, for him to have resided the whole of the time on the same premises; it is sufficient if the premises are within the borough, and have been occupied in immediate succession, and that all the rates and taxes have been paid: neither is it necessary that a person should be sole occupier, provided the premises be of sufficient value to give a 10*l.* qualification to each co-tenant. If persons are omitted in the rate, the act gives them a power to insist on being rated; with this proviso, that where under any act of parliament the landlord is liable for the poor's rate, the fact of rating the tenant, though the tenant insist on being so rated, shall not be taken to exempt the landlord from his liability in case the tenant fail to pay.

The act also declares, that in every city or town being a county of itself, in the election of members for which freeholders or burgage tenants either with or without any superadded qualification, have a right to vote, every such freeholder or burgage tenant shall have a right to vote, if duly registered: but no person is to be registered in any year, in respect of any freehold or burgage tenement, unless he shall have been in actual possession, or in receipt of the rents and profits thereof, for 12 calendar months next previous to the last day of July in such year (except where the same shall have come to him by descent, succession, marriage, marriage settlement, demise, or promotion to any benefice in the church, or to any office); nor unless he shall have resided for 6 calendar months, previous to the last day of July in such year, within such city or town, or within 7 statute miles of it.

The act also makes it necessary that all burgesses or freemen, or freemen and liverymen, shall be duly registered; but no such person is to be so registered unless he shall, on the last day of July in each year, be qualified in such manner as would entitle him then to vote if such day were the day of election; nor unless he shall have resided for 6 calendar months, next previous to the last day of July in such year, within such place, or within 7 statute miles of the place where the poll has theretofore been taken. No person, however, elected or admitted a burgess or freeman since the 1st day of March 1831 otherwise than in respect of birth or servitude, is to be entitled to vote as such, or to be registered; nor is any person to be so entitled as a burgess or freeman in respect of birth, unless his right be originally derived from or through some person who was a burgess or freeman, or entitled to be admitted as such, previous to the 1st day of March, 1831, or from or through any person who since that time has become a burgess or freeman in respect of servitude. Neither is any person to vote in the election of members for any city or borough (other than a city or town being a county of itself, in the election for which freeholders or burgage tenants have a right to vote) in respect of any estate or interest in any burgage tenement or freehold acquired by him since the 1st day of March, 1831, unless the same shall have come to or been acquired by such person since that day and previous to the passing of the act, by descent, succession, marriage settlement, or promotion to any benefice in the church, or to any office. It is also provided that no person shall be registered as a voter, who shall, within 12 calendar months next previous to the last day of July in such year, have received parochial relief or other similar alms.

Subject to these alterations, all the previous laws relating to the qualifications and disqualifications of electors remain in force. Neither is any alteration made in the representation of the two Universities. In these the qualification of the electors consists in their having taken the degree of Master of Arts, and being members of the convocation or senate.

The Reform Act, it should also be observed, is confined to England and Wales; but all places within England and Wales, whether towns corporate or cinque ports, other than counties and divisions of counties, and also Berwick-upon-Tweed, are included under the terms cities and boroughs.

Registration. — For the purpose of forming a correct register of persons duly qualified to be electors, the act has made certain provisions which have been found in some respects defective. These are now [July, 1838] undergoing discussion in Parliament with a view to amendment; it would therefore be inexpedient to detail them here. The leading features of the present system are, however, likely to be retained, and may, therefore, properly be noticed.

With respect to the lists of county voters, the overseers and churchwardens of every parish are charged with the duty of preparing them every year from claims sent to them by the parties, and from the register of the past year. The lists so prepared are exhibited to public view, and the persons named in them are liable to be objected to either by the parish officers or by third persons.

At the same time of the year, the parish officers and town clerks of cities and boroughs prepare lists of their several electors, which are in like manner exposed to public view, in order that objections may be made or claims put in by those who have been omitted.

Revision of the Lists. — During the summer circuits in every year, barristers are appointed, in Middlesex by the Lord Chief Justice; and in the other counties by the senior judge of assize, — to revise the lists as well of the borough as of the county voters. These barristers are to make their circuits (of which they are required to give due notice) between the 15th of September and the 25th of October. The lists prepared by the parish officers are then submitted to them, in the counties by the clerks of the peace, and in the boroughs and cities by the town clerks and parish officers. Persons duly objected to are then obliged to establish their qualifications by evidence; and those who claim to be inserted in the list must show themselves entitled to be placed on it. The barristers expunge or insert the names accordingly, and sign the corrected lists. These lists, so settled by the revising barristers, are transmitted (if for a county) to the clerks of the peace, for the purpose of being copied and formed into a methodical register of county electors. The lists of the voters in cities or boroughs are delivered to the returning officers, whose duty it is to copy them in like manner in the form of registers. The lists so copied constitute the registers of electors qualified to vote at any election between the 1st day of November in the year in which such registers shall have been made, and the first day of November in the succeeding year.

All expenses incurred by the clerk of the peace of any county or district in causing the lists to be copied out and made into a register or otherwise, are to be defrayed by the treasurer of the county or district, the account having been first laid before the justices at the quarter sessions. The expenses of the revising barristers are paid by the Lords of the Treasury.

2. *Qualification of Representatives.* — The same disqualifications which disable a person from being an elector, disable him, also, from being a representative; with this addition, that an alien cannot, even though naturalised, sit in parliament; neither can any of the 15 judges, or the judges of session, justiciary, or exchequer in Scotland, nor persons in holy orders. The exclusion of the clergy from the House of Commons was by no means the clear or settled practice of the House

until within the last half century.* The following persons are also disabled by act of parliament; viz.; all persons concerned in the management of any duties or taxes created since 1692 (except the commissioners of the treasury), commissioners of prizes, transports, sick and wounded, wine licenses, navy, and victualling; secretaries or receivers of prizes, comptrollers of the army accounts; agents for regiments; governors of plantations and their deputies; officers of Minorca or Gibraltar; officers of the excise and customs; clerks or deputies in the several offices of the treasury, exchequer, navy, victualling, admiralty, pay of the army or navy; secretaries of state, salt, stamps, appeals, wine licenses, hackney coaches, hawkers and pedlars; and all persons holding any new office under the Crown, created since 1705; and all persons enjoying any pensions under the Crown; sheriffs of counties, and mayors, bailiffs, and other returning officers, are also ineligible for their respective jurisdictions: but the sheriff of one county is eligible as the representative of another. Neither is any registrar for registering the memorials of deeds, &c., within the West or East Riding of the county of York, or his deputy, capable of being elected; nor any contractor with the officers of government, or with any other person, for the service of the public, so long as he holds any such contract, or derives any benefit from it. If any member accept any of these situations, or any other office of profit from the Crown, except an officer in the army or navy accepting a new commission, his seat is vacated: in the latter case he is capable of being re-elected. In addition to those mentioned, many other public officers are disqualified; as the judges of the Bankrupt Court, the commissioners of the poor laws, &c. Indeed, of late years it has become a common practice, on creating an office, to attach this disqualification. This jealousy of the Crown is altogether of modern growth, for we are not aware that, at the common law official service under the Crown was in any case deemed to render a person unfit to be the chosen representative of his fellow subjects, unless the service was of a nature to be incompatible with his attendance in the House of Commons. The judges of the three superior courts were excluded by reason of their attendance on the lords, and not from any political grounds. Persons convicted of bribery at any election, or of treating the electors with meat and drink, are also incapable of sitting in that parliament. But, with these exceptions, all persons may sit in parliament of common right; provided they possess the necessary qualification either of real or personal property required by an act which has just been passed (1838). If a person who is not so qualified is elected and returned, the return is void. By a statute of Anne, any candidate, who shall be proposed to be elected, shall, upon reasonable request made to him at such election, or before the day fixed in the writ of summons for the meeting of parliament, by any candidate or any two or more persons having a right to vote at such election, swear to his qualification; which oath is to be returned into the Court of Chancery, or King's Bench, within three months after the election, under a penalty upon the sheriff of

* See 1 *Blackstone*, 175. (n. by Christian); and 2 *Burnet's Reformation*, Append. No. XVI., XVII., XVIII.

100*l.*, half to the informer, and half to the poor; and if the candidate so required refuses to take the oath at the time of election, or before the day in the writ mentioned for the meeting of parliament, his election is void; and now, by the 33 Geo. II. c. 10., every person chosen to serve as member of parliament must swear to his qualification before he sits at a debate in the House, or votes; and shall give in a roll, or schedule, containing the particulars of which the same consists, and where situate, or his election shall be declared void, and a new writ shall issue. By the Act of Union with Ireland, it is declared, that the qualification in respect to property of the members elected for that country shall be the same as is provided by law in the cases of elections for counties, cities, and boroughs, in England, subject, nevertheless, to be altered by act of parliament. These landed, qualifications, however, are not required in the case of the eldest sons of peers, or of persons qualified to be knights of the shire, nor for the members of the two Universities. The right of the Universities to send members does not appear to be older than the time of James I., though there is an instance in the reign of Edward I. of a parliament summoned to consider of that king's title to the crown of Scotland, in which writs were issued to Oxford and Cambridge requiring the former to send 4 or 5, and the latter 2 or 3, of their most discreet and learned lawyers, for that purpose. But James first indulged them with the privilege of constantly returning 2 of their own body to represent the interests, if they may be so termed, of the estate of letters.

3. *Method of holding an Election.* — Thirdly, and lastly, we have to consider the method of holding an election: for this purpose let us suppose the parliament dissolved, and the usual summons calling a new one, to be issued. This is effected by a warrant, or bill, signed by the King, addressed to the Lord Chancellor or the Lord Keeper of the Great Seal, as the case may be, directing him on the receipt of it to cause the usual number of writs to be made out and sealed under the great seal; and this he is required to do, by statute, without delay. Between the dates of the writs so to be issued, and the time of their return, a space of 40 days must intervene. The writs, however, are only issued by the Chancellor on the first summons of the parliament; if a vacancy occurs during the sitting of parliament, a warrant issues from the Speaker under the order of the House, to the clerk of the Crown in Chancery, directing him to issue a new writ for the election of a member to fill up the vacancy. The Speaker is also empowered by statute, during any recess for the space of 20 days or more, whether under prorogation or adjournment, in case any vacancies occur, on certificate thereof being made to him by two members, to issue his warrant in like manner for filling them up; and, to obviate any inconvenience that might occur from the death of the Speaker, his seat becoming vacant, or his absence from the realm, he is to nominate a certain number of members to execute the powers given to him by the act. The writs thus issued are directed to the sheriffs of the different counties, who, on the receipt of them, send precepts under their seals, to the proper returning officers of the cities and boroughs within their respective counties, commanding them to elect their members.

The returning officers in the new boroughs are settled by the act; they are usually the mayors (if any) of their respective boroughs.

In the counties palatine, the writ is not issued directly to the sheriff; but to an intermediate officer. In the Cinque Ports it is directed to the lord warden.

The county elections must be proceeded with by the sheriffs in person: the writ itself does not direct the time, place, or manner of election with minuteness; but these are supplied by several statutes, which ordain, that the sheriff shall, within two days after the receipt of the writ, cause proclamation to be made, at the usual place of election, of a special county court, to be holden there for the purpose of such election only, on any day (except Sunday), not later than the 16th day, nor earlier than the 10th, from the day of making such proclamation. This court, when held for the election of knights of the shire, must be convened at the most usual place.

The election of members for cities and boroughs must take place within eight days from the receipt of the precept, four days' notice being previously given. The persons chosen are to be returned with the precept to the sheriffs.

When the time and place of election either for counties or boroughs have been fixed, all soldiers quartered in the place are removed, at least one day before the election, to the distance of two miles or more; and are not suffered to return till one day after the poll has ended. Riots have been frequently held to make elections void. By vote of the House of Commons, to whom alone belongs the power of determining contested elections, no lord of parliament or lord lieutenant of a county has any right to interfere in the election of commoners; and, by statute, the lord lieutenant of a county shall not recommend any member for it. If any officer of the excise, customs, stamps, or certain other branches of the revenue, presumes to intermeddle in elections, by persuading or dissuading any voter, he forfeits 100*l.*, and is disabled from holding his office. It has also been enacted, that no candidate shall, after the date, or *teste*, as it is called, of the writs, or the issue of the summons, or after any vacancy (if the parliament be sitting), give any money or entertainment to the electors, or promise to give any in order to his being elected, on pain of being incapable to serve for that constituency in that parliament. And if any money, gift, office, employment, or reward be given to any voter, at any time, in order to influence him to give or withhold his vote, as well he that takes as he that offers such bribe, forfeits 500*l.*, and is for ever disabled from voting and holding any office in any corporation, unless, before conviction, he shall discover some other offender of the same kind, and then he is indemnified for his own offence.

On the day fixed for the election, the returning officer first takes an oath against bribery, and for the due execution of his office. It is then usual, in cases where a contest is expected, for the persons intending to be candidates to be proposed by their respective friends; after which they usually address the electors themselves. The returning officer then requires a show of hands on behalf of each candidate, and declares in whose favour it appears to be. If any of the

candidates who are in the minority upon the show of hands are dissatisfied with the result, they may demand a poll. It may be here proper to observe, that a candidate is not precluded from offering himself because he is not put in nomination the first day: a new one may be proposed at any time during the poll; but the electors who have once given their suffrages cannot retract or alter them in consideration of that or any other circumstance.

The Method of Polling. — The polling is to commence at nine in the forenoon of the next day but two after the day fixed for the election (unless such next day be a Saturday or Sunday, in which case it is to commence on the Monday following), at the principal place of election, and at the several places to be appointed throughout the county or division; and such polling is to continue for two days only, being successive days, for seven hours on the first day, and eight hours on the second day of polling: no poll is to be kept open later than four in the afternoon of the second day. For the purpose of more conveniently taking the poll, the counties and divisions of counties are divided into districts, and in each district is appointed a convenient place for taking the poll. These districts and places were pointed out by an act passed in the same session as the Reform Act, which has since undergone some amendments.

The sheriff is empowered to appoint deputies to preside, and clerks to take the poll, at the principal place of election, and also at the places of polling. The poll clerks at the close of each day's poll inclose and seal their books, and publicly deliver them to the sheriff, under-sheriff, or deputy presiding, who gives a receipt for the same, and on the commencement of the second day's poll delivers them back so inclosed and sealed, to the persons from whom he received them. On the final close of the poll, every such deputy forthwith delivers the poll-books so inclosed and sealed to the sheriff or under-sheriff, who receives and keeps all the poll-books unopened until the reassembling of the court on the day next but one after the close of the poll (unless the next day but one be Sunday and then on the Monday following), when he openly breaks the seals, casts up the number of votes, declares the state of the poll, and makes proclamation of the members chosen.

In all matters relative to the election of knights of the shire, the sheriff, his under-sheriff, or any lawful deputy may act in all places having any exclusive jurisdiction as if they were part of such sheriff's jurisdiction.

The method of taking the poll in cities and boroughs is nearly similar to that in the counties, but the 5 & 6 William IV. cap. 36. limits the polling to 1 day: the poll is to commence at 8 o'clock in the morning, and to close at 4 o'clock in the afternoon.

Both in the counties and boroughs, if riot or violence occur, the sheriff or other returning officer, or his deputy has the power of adjourning the poll until the day following, and so from day to day, until the disturbance ceases; and the days on which the adjournment takes place are not to be reckoned.

The booths are erected at the joint expense of the candidates; but, in order to prevent imposition, it is enacted, that no booth erected for

a county election is to exceed 45*l.*, and no booth erected for a city or borough election, 25*l.* The deputies also, appointed by the returning officer, are to be paid 2 guineas each, and the clerks 1 guinea, at the expense of the candidates.

All inquiry and discussion upon the nature of the qualification of the voter at the time of the election, is done away with. The only questions permitted to be asked (and these the returning officer, if required on behalf of any candidate, is to put to any voter at the time of tendering his vote) are — "Whether he is the same person whose name appears on the register? Whether he has already voted at that particular place, or elsewhere, for the same county or borough? and whether he continues to have the qualification for which his name was originally inserted as a voter?" These questions, it is made an indictable misdemeanor to answer falsely. The returning officer or his deputy has also a power, if called upon by any candidate, to administer an oath, or affirmation to the same effect; but no other oath, at least as to the voter's right of franchise, is permitted: the oath or affirmation, however, against bribery, &c. remains unaltered. Scrutiny before the returning officer is also abolished: any person, however, whose name may have been omitted from any register of voters by the decision of the barrister revising the lists, may tender his vote at an election, and the returning officer or his deputy is bound to enter upon the poll-book every vote so tendered; distinguishing the same from the votes admitted and allowed. Upon a petition to the House of Commons complaining of an undue election, the correctness of the register may be impeached, and the name of any person improperly inserted, or improperly omitted, in consequence of the wrong decision of the revising barrister, may, upon the report of the committee appointed to inquire into the petition, be ordered to be omitted or inserted as the case may require; and the return may either be amended, or the election declared void, or such other order made as may seem proper.

The election being closed, the returning officer in boroughs returns his precept to the sheriff with the persons elected, which he must do 6 days, at least, before the return of the writ. The sheriff then returns the whole, together with the writ for the county and the knights elected thereupon, to the clerk of the crown in chancery, before the day of the meeting if it be a new parliament, or within 14 days of the election, if it be an occasional vacancy. The certificate of election is required to be the same both in county and borough elections: it consists of indentures under the seals of some of the electors, and of the returning officer, who seals a counterpart. This practice has been constantly complied with, and seems analogous to proceedings upon inquisition before the sheriff and coroner, who return their inquests under seal. Any other mode of making a return has been held bad, though it admits of amendment.

If the sheriff do not return such knights only as are duly elected, he forfeits, by the old statutes of Henry VI., 100*l.*; and the returning officer in boroughs for a like false return, 40*l.*; and they are, besides, liable to an action in which double damages may be recovered. Any person bribing the returning officer forfeits also 300*l.* But the

members returned by him are the sitting members, until the House of Commons, upon petition, adjudge the return to be false or illegal. The form and manner of proceedings on these petitions will be described afterwards, in speaking of the proceedings of the house.

A member, when once duly elected and returned, cannot resign nor be discharged; the only method by which he vacates his seat is by death, acceptance of some office of profit under government, elevation to the peerage, or expulsion.

Sickness was formerly urged as an excuse, and it was held that an incurable disease would be sufficient ground for granting a prayer to be removed; but the modern opinion seems to be, that the difficulty of ascertaining the degree of infirmity which should render a member incapable of serving, is such as to exclude it as a ground of exemption.

In the case of death, the method of proceeding in filling up the vacancy has been already mentioned.

Accepting places of trust and profit under the Crown vacates a seat; and some placemen are incapable of being re-elected, others not. Of late, the strictness of the law which prevents a member from vacating his seat has been evaded by obtaining from the minister an appointment to an inconsiderable office called the stewardship of the Chiltern Hundreds. This nominal appointment may indeed be withheld, but is seldom refused.

A Scotch or Irish peerage does not disqualify a person from sitting in the House of Commons.

The House of Commons claim a right of expelling members for disgraceful or otherwise improper conduct. In the case of Mr. Wilkes, who, having been expelled, was again returned, it was made a question how far he was capable of sitting in the same parliament. The Commons however compromised the matter by ordering the proceedings to be expunged from the journals, and re-admitting him.

If a person be elected for two places, as sometimes happens, he may choose for which he will serve, and a new writ issues for the other; but a member who has once taken his seat, cannot resign it for the purpose of being elected for another place.

Privileges of Members of Parliament. — It remains only to say a few words on the privileges of members of parliament, the most important of which is their right of exemption from arrest. This is to be considered, however, as extending only to arrest on civil process, as for debt, trespass, or contract; not for treason, felony, or breach of the peace, within which term is included the publication of libels: neither is a member protected against being compelled, by process of the courts at Westminster, to obey a writ of habeas corpus or other prerogative writ, directed to him: it has also been determined, that privilege of parliament forms no ground of exemption from arrest for contempt in disobeying a decree of the Court of Chancery.

Peers, however, it should be observed, enjoy this privilege in right of their peerage, and not as lords of parliament; all peers, therefore, whether Scotch or Irish, are alike entitled to it. Members of the House of Commons enjoy it only during the actual session of parliament, and 40 days before and after, to allow them sufficient time to come and go, which, as parliament is seldom prorogued for more than fourscore

days at a time, amounts in fact to the whole continuance of one parliament.

The same regard for the person and character of a peer or member of parliament makes it a high offence to assault or slander him; and the Houses have frequently taken upon themselves to punish such offenders, where the injury offered is a violation of their known privileges. Reprimand, or commitment to custody have been the ordinary modes of punishment; but the extent of the powers of punishment, and the limits of their jurisdiction, have been the subjects of dispute and discussion continually recurring, and still unsettled.

Statistical View of the Representative System.—A Committee of the House of Commons, appointed in 1834 to inquire into the expenses at elections, gave in their report some valuable statements and tables, affording a pretty complete view of the statistical details connected with our representative system. The number of voters in the returns printed by the Committee, are those in the first registry after the passing of the Reform Act: The result of subsequent registrations has been a very great increase in the whole number of electors. We subjoin the general results as given by the above Committee, and the details on which they are founded.

	Registered Electors.	Members.
In England, 40 counties have - -	344,564	144
And 185 cities, boroughs, and towns have -	274,649	327
Total number for England -	619,213	471
In Wales, 12 counties have - -	25,815	15
And 14 districts of boroughs have - -	11,309	14
Total number for Wales - -	37,124	29
In Scotland, 30 counties have - -	33,115	30
And 76 cities, boroughs, &c. have - -	31,332	23
Total number for Scotland - -	64,447	53
In Ireland, 32 counties have - -	60,607	64
And 34 cities and towns have - -	31,545	41
Total number for Ireland -	92,152	105

The result is, that there were, at the date of the report, in England and Wales, 656,337, and in the United Kingdom, 812,936 registered electors in 1832; and taking the total number of representatives at 658, the proportion will be, at an average of Great Britain, 1,303, and in the United Kingdom, 1,235 electors to 1 representative. It is to be observed, that some of the electors are entered as such for more than one place in the same county, and also as electors in different counties and in different boroughs; and in some instances under more than one qualification in the same city or borough, so that the exact number of persons having the suffrage of electing representatives to parliament cannot be accurately ascertained, but they must be considerably within the numbers above stated. The

committee recommend, that in all future registrations, if practicable, the name of an elector should only be counted once in each register; by which, hereafter, the number of electors in each place will be ascertained; but there does not appear to be any means of ascertaining in how many counties, cities, boroughs, or universities, any one elector may be registered. It is, therefore, at best, only an approximation to the exact number of persons entitled to the suffrage, that can be obtained in the present state of the registration.

The proportion of electors in England and Wales to the population, both in the cities and boroughs, is nearly the same; and the proportion of electors to the males of 20 years of age and upwards, and to the gross population, is also nearly the same.

Taking the gross population of the 40 counties in England (exclusive of the population of the cities, boroughs, towns, and universities which are represented) at 8,336,263, and the number of electors at 344,564, there will be 1 elector in every 24 of the population; whilst the gross population in the 185 cities, boroughs, and towns, being 4,754,742, and the number of electors 274,649, there will be 1 elector in every 17 of the population.

In Wales, the county population is 609,871, and the electors 25,815, so that there is 1 elector in every 23 persons; whilst, in the 14 districts of boroughs, the population being 196,314, and the electors 11,309, the proportion is 1 in 17.

In Scotland, the county population is 1,500,107, and the number of electors 33,115, giving 1 elector in every 45 persons; whilst in the boroughs, the population being 865,007, and the electors 31,332, the proportion is 1 in every 27 persons.

In Ireland, the population of the 32 counties is 7,027,509, and the number of electors 33,115, giving 1 elector in every 115 of the population; whilst the 34 cities and boroughs, with 31,545 electors, and a population of 739,892, have 1 elector in every 22 persons.

The total population of the 114 counties in the United Kingdom being 17,473,750, and the number of electors 464,101, the proportion of electors is 1 in every 37 persons; whilst the population of the 309 cities and boroughs of the United Kingdom being 6,655,952, and the number of electors 348,835, the proportion is 1 elector in every 18 persons.

The population of Great Britain being 16,262,301, and the electors 720,784, the proportion is 1 elector in every 22 persons.

The population of Ireland being 7,767,401, and the electors 92,152, the proportion is 1 elector in every 86 persons.

In the United Kingdom the proportion of electors to the gross population is 1 elector in every 29 persons.

The 114 counties in the United Kingdom send 253 members, and the 309 cities and boroughs send 405 members to parliament. In Great Britain there are 1,303 electors, at an average, for every representative; whilst in Ireland there are only 877 electors for every representative. In England there is 1 representative in every 27,794; and in Wales 1 in every 27,799 of the gross population; whilst in Scotland there is 1 representative in every 44,624; and in Ireland 1 in every 73,975 of the gross population. If the whole population of

the United Kingdom were equally divided into 658 districts, there would be 36,519 persons for every representative.

The number of electors being 619,213, and the number of males of 20 years of age and upwards in England being 3,199,984, the proportion is 1 elector in every 5 males of 20 years of age and upwards; in Wales nearly the same proportion obtains. In Scotland there is 1 elector in every 8; and in Ireland 1 in every 20 males of 20 years and upwards. There being 5,812,276 males of 20 years and upwards in the United Kingdom, and 812,916 electors, the average proportion is 1 elector in every 7 males, or 14 in every 100 males.

An average of the counties in England gives 2,302 electors for every member; and of the cities and boroughs 839. In Scotland the counties average 1,103 electors for every member; but some, as Bute, have only 279, and Caithness only 201 electors. The cities and boroughs average 1,362 for one member; but some of them, as the Dysart district, have only 507; and the Haddington district only 545 electors. The average of the 32 counties in Ireland gives 947 electors for every member, and the 34 cities and boroughs 769 electors for every member.—(*Report*, p. 6, 7.)

Since the above report, a series of returns have been made to the House of Commons, by which it appears that the number of registered electors, both for counties and boroughs, has very greatly increased. These returns have not been classified, nor has any general abstract of them been published, but they sufficiently indicate that no reliance can any longer be placed on the numbers detailed in the above report, though we believe the proportions are not materially different.—See the printed papers of the House, April 1838.

Changes effected in the Places returning Members by the Reform Act.—The form of a writ of summons, which directs the sheriff to cause representatives to be returned from every city and borough within his bailiwick, would seem to imply a power, if not a duty, to include in his return any new boroughs that should from time to time grow into importance: we have reason to know that such was in fact the case, and that new towns were accordingly received into the legislative assembly without any apparent resort to the parliament for the purpose of sanctioning their enfranchisement. It is equally clear that boroughs which had fallen into decay were not unfrequently omitted in the sheriff's returns.*

An act passed in the 5 Rich. II., s. 2. c. 4., and levelled at the partiality of sheriffs, rendered it thenceforth illegal to omit any place which had been accustomed to be summoned to parliament; and the Acts of Union with Scotland and Ireland, by fixing the relative number of members sent by each part of the United Kingdom, have been considered as virtually determining the prerogative of summoning any new boroughs.† Hence it is that few changes in the representative system have been effected since the Revolution, and none without the interference and authority of the parliament. At length, the important act for the reform of the representation, already referred to, was

* *Heywood on Borough Elections*, p. 37.

† See, however, *Palgrave's Right of Dormant Boroughs*. Lond. 1830.

passed, under which a very considerable change was made in the distribution of county members and in the boroughs by which burgesses are returned to parliament. The following boroughs of small extent and population were wholly disfranchised:—

Aldborough,	Downton,	Milborne Port,	Stockbridge,
Aldeburgh,	Dunwich,	Minehead,	St. Germains,
Amersham,	East Grimstead,	Newport,	St. Mawe's,
Appleby,	East Looe,	Newtown,	St. Michael's, or Midshall,
Beeralston,	Fowey,	Newton,	Tregony,
Bishops' Castle,	Gatton,	New Romney,	Wendover,
Blechingley,	Great Bedwin,	Okehampton,	Weobly,
Boroughbridge,	Haslemere,	Old Sarum,	West Looe,
Bossiney,	Hedon,	Orford,	Whitchurch,
Bramber,	Heytesbury,	Plympton,	Winchelsea,
Brackley,	Higham Ferrers,	Queenborough,	Wootton Basset,
Callington,	Hindon,	Saltash,	Yarmouth, Isle of Wight.
Camelford,	Ilchester,	Seaford,	
Castle Rising,	Lostwithiel,	Steyning,	
Corfe Castle,	Ludgershall,		

Other boroughs, again, were deprived of one of their members: these were,—

Arundel,	Great Grimsby,	Midhurst,	Thirsk,
Ashburton,	Helston,	Morpeth,	Wallingford,
Calne,	Horsham,	Northallerton,	Wareham,
Christchurch,	Hythe,	Petersfield,	Westbury,
Clitheroe,	Launceston,	Reigate,	Wilton,
Dartmouth,	Liskeard,	Rye,	Woodstock.
Droitwich,	Lyme Regis,	Shaftesbury,	
Eye,	Malmesbury,	St. Ives,	

Of the 142 members, thus taken away, 65 were given to counties, including the Isle of Wight; and the remainder, with the exception of 13, were given to the following places, viz.:—

Two Members each,

Birmingham,	Finsbury,	Manchester,	Stroud,
Blackburn,	Greenwich,	Mary-le-bone,	Sunderland,
Bolton,	Halifax,	Oldham,	Tower Hamlets, and
Bradford,	Lambeth,	Sheffield,	Wolverhampton.
Brighton,	Leeds,	Stockport,	
Devonport,	Macclesfield,	Stoke-upon-Trent,	

One Member each,

Ashton-under-Lyne,	Frome,	Merthyr Tydvil,	Wakefield,
Bury,	Gateshead,	Rochdale,	Walsall,
Chatham,	Huddersfield,	Salford,	Warrington,
Cheltenham,	Kendal,	South Shields,	Whitby, and
Dudley,	Kidderminster,	Tynemouth,	Whitehaven.

Besides these entire alterations, other boroughs were extended so as to increase the elective body.

The 13 members unaccounted for in the above summary were transferred, 8 to Scotland and 5 to Ireland.

SECT. III. *Procedure in Parliament.*

When the two houses have assembled at Westminster, on the day appointed for their meeting, the Lord Chancellor acquaints the Lords, that his Majesty not thinking fit to be personally present, had been pleased to cause a commission to be issued under the great seal for the opening of Parliament. The Lords Commissioners then send a message to the Commons, desiring their immediate attendance in the House of Lords. When the commission has been read by the clerk, the Lord Chancellor states, that his Majesty will declare the causes of calling the Parliament, when the members of both houses shall be sworn; and it being necessary that a Speaker of the House of Commons should be first chosen, he informs the members of that house that it is his Majesty's pleasure that they do choose their Speaker, and present him for approbation on a day mentioned. On their return, the Commons proceed immediately to the choice of a Speaker, while the Lords are taking the oaths. At the time appointed for presenting the Speaker for his Majesty's approbation, the Lords Commissioners again desire the attendance of the Commons, when the Speaker acquaints their Lordships that he has been chosen, and expresses a sense of his incapacity to discharge the duties of the office; the Lord Chancellor assures him of his Majesty's approbation; on which he lays claim, on behalf of the Commons, to all their ancient and undoubted rights and privileges; which being confirmed by the Lord Chancellor, he retires, accompanied by the Commons, and takes the oaths before any other member. The ceremony of swearing occupies two or three days, after which the King, either in person or by commission, declares the causes of calling the Parliament in what is familiarly known as "the Speech." From this time the business of the session is practically commenced.

The Lords then adjourn to unrobe, and, on the house being resumed, the Lord Chancellor reports his Majesty's speech, which is read by the clerk, and some peer moves that a humble address be presented, expressive of their thanks. On returning from the Upper House, the Commons read a bill, in order to preserve the privilege of not giving priority to the King's speech. They then, in the same manner as the Lords, vote an address. The address having been agreed upon by the respective houses, each appoints a deputation to attend the King, and learn when it will be his pleasure to receive them; and at the time appointed they are presented, the members of each house accompanying their address in a body.

The House of Lords, before entering on the business of the session, appoints certain committees. They are the committees of privileges and for religion: committees sit in rooms near the houses, appointed for the purpose, several frequently sitting at the same time; no committee, however, can sit while that house, of which it is a committee, is sitting, unless by special leave.

In the committees of the Commons, a member is usually selected as chairman for the occasion, who, like the Speaker, has a casting vote.

The other particulars, with respect to the method of proceeding in committees, will be given afterwards.

The method of proceeding with business is nearly the same in both houses. The usual time for their assembling is 4 o'clock, but the House of Lords, on certain days of the week, meets earlier for the purpose of transacting business in its judicial capacity. In the Upper House, 3 peers constitute a quorum; in the Commons, 40 members must be present. Before any business is entered upon, by either house, prayers are read; in the Lords by a bishop, in the Commons by their chaplain. In the House of Commons, a few minutes before 4, the Speaker takes his place at the upper part of the table on the right; the chaplain of the house being placed also at the upper part of the table, on the left: as soon as prayers have been read, the Speaker, standing before the chair, proceeds to count the house, including himself, when, if 40 members be present, he takes the chair, and the mace is laid before him on the table; the house is then said to be constituted. If there be not 40 members at 4 o'clock, the Speaker declares the house adjourned to the next day of sitting; and for this purpose he also takes the chair, such being the standing order of the house. In the House of Lords, a peer brings in a bill without obtaining leave; he must, however, give notice of his intention. In the House of Commons, when the bill to be introduced relates to public matters, with the exception of supply as will be mentioned afterwards, it is necessary for the member bringing it in to move for leave, which motion is printed in the votes for the information of members. On the day fixed for making the motion, he briefly states the principle and object of the bill, and moves for leave to introduce it; if the house consent, an order for its introduction is made, and, at the time appointed, the bill in manuscript is brought in, with blank places left for the insertion of any thing that may be doubtful, such as dates, &c. &c. The introducer then moves that it be read a first time, which being seconded, a debate, if the bill is opposed, usually ensues; after which, the question is put, and, if carried, an order is made for the printing of the bill, and a day is fixed for the second reading. After the second reading the bill is committed to a committee of the whole house; on some occasions to a select committee, whose report, when made, is proceeded with, as if the bill had been then read a second time. To form a committee of the whole house, the Speaker quits the chair, and may debate as a private member: when the house sits in committee, the mace is always taken off the table. In the House of Lords some peer, as already stated, is appointed chairman of committees for the session. In the Commons, a member is chosen for the occasion. In these committees, the bill is debated clause by clause, amendments made, the blanks filled up, and sometimes the bill entirely new modelled. If there be not time for the consideration of all the clauses at one sitting, the Speaker having again taken the chair, the chairman of the committee reports progress, and asks leave to sit again. The principal advantage of a committee consists in the greater freedom of debate; a member, for instance, in committee is not restricted to speaking once only on the same point: a committee, too, admits of inquiries being made, and questions being put on each se-

parate clause, which could not generally be done in the house itself. It can, however, do so (but this seems the only exception) on a report being brought up from a committee. When every clause has been gone through and agreed on in committee, the report is brought up, that is, the bill, with all the amendments made in it, and a day fixed for taking the report into consideration. Frequently, indeed, the Speaker at the time takes the chair, and, the house being then resumed, progress is reported. When the report is brought up at a future day, the house considers the whole bill again; and the question may, if it be deemed necessary, be put upon every clause and amendment. When the house has agreed or disagreed to the amendments of the committee, and sometimes added new amendments of its own, the bill is ordered to be engrossed, which is done on one or more long rolls of parchment sewed together, and a day is fixed for the third reading. If the third reading be agreed to, the house proceeds to consider whether it shall pass the bill to which it has agreed; when further amendments are not unfrequently again made. The Speaker then, as on its passing the former stages, opens the contents of the bill, and, holding it up in his hands, puts the question, whether it shall pass. These several readings take place at stated intervals; but there are precedents in cases of emergency, of bills being read twice, and even three times, on the same day.

When a bill has thus passed through the house in which it was introduced, if it be the House of Lords it is indorsed "*soit baillé aux Commons*," and sent down to the latter by their messengers accordingly. A bill that has passed the Commons is, in like manner, written on by the clerk, within, on the top of the right-hand side, "*soit baillé aux Seigneurs*." It is carried up to the Lords by eight or more of the members of the house, and not, as in the case of a bill sent to the Commons, by an official messenger. It then passes through the same forms in the house to which it is sent, as it did in the house from which it came (except the engrossing, which has already been done): if it be rejected, no more notice is taken, which prevents unbecoming altercations. If it be agreed to, the house in possession of the bill sends a message to the other house stating that they have agreed to the same. The House of Lords, should they send the message, retains possession of the bill, unless it be a money bill; but if the House of Commons send the message, the bill is returned to the Lords. Should any amendments, however, be made by the house to which the bill is carried, such amendments are sent, along with the bill, to receive the concurrence of the house from which it was brought; and if that house agree to them, it sends a message to that effect to the other. If the amendments are disagreed to, a conference is requested between the houses, at which, in general, the matters in dispute are adjusted; if, however, both houses remain inflexible, the bill is dropped. All bills that have passed both houses are deposited with the peers to await the royal assent, except in the case of a bill of supply, which, after receiving the concurrence of the Lords, is always sent back to the House of Commons. When a bill has passed one house and been sent to the other, and the provisions of the bill have been founded, not upon facts of general notoriety, but upon special facts that must

necessarily be proved by evidence, it is usual for the house of parliament to which the bill is sent, to ask, either by message or at a conference, the grounds and evidence on which the bill has passed; and this evidence, whether arising out of papers or from the examination of witnesses, is immediately communicated: but, farther than this, it is irregular for either house to inquire why the house in which the bill took its rise passed it in such or such a manner; nor would it be permitted to acquaint the house to which it is sent that it had passed unanimously. A bill may be opposed in any of the three stages, but the most usual time for opposition is at the second reading. If the principle of the bill, however, is not objected to, it is usual to allow it to pass this reading also, for the purpose of its being committed, in the hope of removing in the committee the objectionable parts. When a bill has been thrown out, it ought not to be again brought in during the same session. This rule, however, is sometimes evaded.

In passing private bills, great care is used that no one may be taken by surprise. Such bills are not allowed to be introduced on mere notice of motion, but a petition must be presented in which the grievance desired to be remedied must be set forth. This, if it be founded on facts in their nature disputable, is then referred to a select committee, who examine into the matter alleged, and, if, necessary, hear counsel for and against the petition. When the committee have made their report, then, or, if no reference be necessary to a committee, upon the petition itself, leave is given to bring in the bill. The whole proceedings, as regards private bills, are undergoing revision; but this work cannot be delayed for the purpose of stating the alteration.

To hinder the time of the house being too much occupied by private bills, some period is usually fixed at the commencement of a session, after which no petitions for private bills are received.

In the House of Lords, if the bill begin there, it is referred, when of a private nature, to two of the judges, to examine the facts alleged, to see that all necessary parties consent, and to settle all points of technical propriety. In many cases where different interests are affected, as in inclosure bills, it is necessary that notice should be previously given to all parties interested, both of the intention of applying for a bill and of its purport and effect. Besides which, three days must elapse; and the committee to which it is referred, and which must be composed of eight members at least, are not allowed to sit until a week's notice has been given by a paper posted up in the lobby. If the opposition be to the principle, or the whole of the bill, the parties opposing it should present a petition to be heard against it by counsel at the bar of the house before the second reading; though instances have occurred of this indulgence being granted on bringing up the report of the committee, and even on the third reading. If they do not object to the principle of the bill, but to particular clauses only, they should pray to be heard against it before the committee, to whom their petition, together with the bill, will then be referred.

Each house has an equal right to originate and pass bills; with these exceptions, that the Lords claim the exclusive right of originating bills for restitution of honours or in blood; and the House of Com-

mons all bills of supply, in respect to which the Lords are to have no other voice than as one branch of the legislature, by their assent, to give the measure the authority of a law. Bills, also, which have for their object the regulation of such matters as relate more particularly to one house than the other, ought, it would seem, to originate with that house to which they more peculiarly belong.

There is, however, one bill which begins neither with the Lords nor Commons, but with the Crown, and that is a bill for a general pardon. This is first signed by the Crown: it is then transmitted to both houses of parliament, in each of which it is only read once. It must afterwards, however, receive the King's assent, like other public bills.

With regard to the important privilege assumed by the Commons of introducing all bills relating to money matters, we may observe that it was a standing order of the house, so long ago as in the year 1667 — "That no motion or proposition for an aid or charge upon the people should be presently entered upon, and that all such propositions should receive their first discussion in a committee of the whole house." Upon the same principle, viz. "that when money is to be raised upon the subject, the proposition should have the fullest and most frequent discussion," the Commons have determined "that no bills for any work proposed to be carried on by tolls or duties to be levied in particular places, should be brought in until the petition for the bill had been referred to a committee and examined." And not only must all propositions with respect to the public supply be discussed, but they must also take their rise in a committee of the whole house.

The way is for the Chancellor of the Exchequer, at the commencement of the session, to move that the house resolve itself into a committee, to take into consideration that part of the King's speech relating to supply; whereupon the house accordingly resolves itself into a committee, which is termed a committee of supply. The part of the King's speech relative to the estimates is then read, and the quantum of supply is moved and considered. The committee of supply, as it is appointed only to consider of the supplying the aids which are demanded by the Crown, can properly have no cognisance of any matters but such as are laid before the house by the direction of the Crown: if it be thought necessary, therefore, to raise a sum of money not required by the Crown for public service, such grant cannot be moved in the committee of supply. Another rule, however, requires that the house shall receive no petition for any sum of money relating to public service, but what is recommended from the Crown; and the uniform practice has been to apply this order to all petitions for public money, whether the grounds of such applications be public or private: it is usual, therefore, for all grants of the public money indiscriminately to come recommended by a message from the Crown, which at once gives the committee cognisance of them. When the resolution that a certain sum be granted is reported to the house, and agreed to, it is then referred to another committee, which is also formed of the whole house, termed the committee of ways and means, to consider how the grant is to be raised. This committee like the former, being for a specific purpose, cannot consider the means of raising any sum not included in the vote of the committee of supply; and, to enable them

to do so, the matter must be specially referred to them by the house. The better way, however, seems to be to refer it to a committee of the whole house appointed for the particular purpose. Another rule of the House of Commons is, that, pending a bill for imposing any tax or duty, no petition against it shall be received; the object of which seems to be principally one of convenience, in order that the house may not be interrupted by the endless numbers of petitions which might be sent up from persons who might happen more immediately to suffer. This rule, however, does not extend to petitions from the city of London, in consequence of the different usage of the house with respect to them. The contents of a petition from the corporation of the city of London are not opened by a member, as on other occasions, but the petition is brought at once to the bar of the house by the sheriff, and, without any question being put, he delivers it to the clerk, who brings it to the table; after which, the sheriffs having withdrawn, the speaker puts the question whether the petition be read; the question, as a matter of course, is carried in the affirmative, and then, and not until then, the house become acquainted with its contents, and dispose of it as they think proper. Petitions may, however, be presented in any subsequent session, praying the repeal or reconsideration of any taxes imposed in a former one.

Bills of supply, like all other bills, are sent up to the Lords for their assent, but they are not permitted to make any alteration or amendment in them: if they do, the bill, on being sent back to the Commons, is rejected as a matter of course without entering into a consideration of the amendments. The following rules, taken from *Hatsell's Precedents of Parliament*, contain the principal distinctions as to the right of interference by the Lords: —

1st. That in bills of aid and supply, the Lords, as they cannot begin them, so neither can they make any alterations, either as to the quantum of the rate, or the disposition of it; or, indeed, any amendment whatever, except in correcting verbal or literal mistakes; and even these the House of Commons direct to be entered specially in their journals so that the nature of the amendments may appear, and that no argument prejudicial to their privileges may be drawn afterwards from their having agreed to such amendments.

2d. That in bills which are not the special grant of supply, but which, however, impose pecuniary burdens on the people, such as bills for turnpike roads, for navigations, for paving, for managing the poor, &c. &c. for which purposes tolls and rates must be collected, in these, though the Lords may make amendments, their amendments must not make any alteration in the quantum of the toll or rate, the disposition or duration of it, or the persons, commissioners, or directors appointed to manage it. In all the other part and clauses of these bills, not relative to any of these matters, the Commons have not objected to the Lords making alterations or amendments.

3d. Where the bills, or the amendments made by the Lords, appear to be of a nature which, though not immediately, yet in their consequences may bring a charge upon the people, the Commons have denied the right of the Lords to make such amendments, and the Lords have acquiesced.

Lastly. The Commons insist, that the Lords have no right to insert in a bill pecuniary penalties and forfeitures; or to alter the application or distribution of the pecuniary penalties or forfeitures which have been inserted by the Commons.

In consequence of these rules, the Commons have sometimes attempted to tack, as it is termed, bills relating to entirely distinct matters to bills of supply, in the hope of having them carried through the Lords unaltered, under the cover of the latter. This practice has, however, always been considered as highly irregular, and has not for a long time been resorted to.

During a debate, the members speak standing up and uncovered. They address themselves to the Speaker, and not to the house at large.

It is a rule in both houses, that no member shall speak twice on the same question, except in committee, unless it be to explain or reply.

If an amendment be proposed, a member, after he has previously spoken on the original, is entitled to speak again upon the question of the proposed amendment, which is always put before the original question.

No member is allowed to interrupt another who is in possession of the house, unless he rise to speak to order, which may be done at any time.

When any member is personally interested in a question, it is a rule that he withdraw after speaking, and, in matters of consequence, this rule is always strictly enforced.

To preserve the freedom of debate, and secure the independence of the two houses, it is established that no notice whatever is to be taken by any of the branches of legislature of what is passing, or, indeed, of what has passed, before the others, until formally communicated in the due course of parliamentary proceeding.

No member of either house is allowed to state what the King's opinion may be on any measure while under consideration, nor even, indeed, to mention his name. The King may, however, if personally interested, or if the measure relate in any way to his prerogative, direct his ministers to signify his acquiescence; and it is, as has already been stated, a standing order of the House of Commons, that it will receive no petition for money relating to public service unless it come recommended from the Crown: as soon, therefore, as any petition of this nature is offered to the house, it is necessary that the Chancellor of the Exchequer, or some other member, should acquaint the house, that his Majesty, having been informed of its contents, recommends the same to the consideration of the house.

If, in the course of a debate in one house, any reflections have been made upon the other, the member making them ought to be called to order at the time; no notice can be taken afterwards. Attempts have been sometimes made by one house to obtain redress from the other, but always without success.

In a parliamentary sense, indeed, each house is ignorant of what takes place in the other; the proceedings in both being supposed to be always carried on with closed doors. It has, it is true, long been the custom to admit strangers, and, in particular, to afford every faci-

lity to persons engaged in reporting the speeches of the members, for the satisfaction of the public; but this is not supposed to be known to the house, and it is in the power of any member to insist at any time on having the house cleared. When the house divides, the rule is always enforced.

If it be observed that members stay in the country, or absent themselves from the business, the house may be called over; and it is possible to order "that no member shall go out of town without leave of the house, and that to be obtained on motion in the house." When a call of the house is ordered to be made, a resolution is passed at the same time, "that such members as shall not attend at the time appointed, be taken into custody." Notice is, of course, previously given to each member.

In putting the question, the rule is, that the question which is first moved and seconded, is to be first put. The way is, for the member who moves to put the subject of his motion on paper and hand it to the Speaker, who, when it has been seconded, proposes it to the house, and then the house is said to be in possession of the question. A question cannot, after it has been proposed, be withdrawn without leave of the house; but if, as not unfrequently happens, a question be proposed on which the house does not wish to give any opinion, it is avoided by some member moving to adjourn, or that the orders of the day be read, or for the previous question; which motions take precedence of all others. In committee, instead of the motion to adjourn it is usual to move that the house do resume, which amounts to the same thing.

The right, however, of making a motion for the orders of the day to be read, does not hold when the house is actually proceeding upon one of them. Another way of getting rid of a question is to propose such an alteration, by way of amendment, as is incompatible with the nature of the original question; as, that a bill be read that day six months; in which case, also, the question on the amendment takes precedence of the original motion.

In putting the question, points of great nicety occur as to the form and method; but with these it is not worth while to trouble the reader.

The Peers vote by the words "content" and "not content;" the Commons, by the words "aye" and "no." When a division takes place, the Speaker directs one party, the contents or non-contents as the case may be, to go forth, the other party remaining on their seats. In the House of Lords, the party called upon to go forth go below the bar; in the House of Commons, they go into the lobby: nice questions arise, also, on this point, as to who are to go out and who stay in; and it is difficult to state any rule sufficiently intelligible to persons not accurately acquainted with the practice of the house. In a committee the houses divide by the one party going on one side of the Speaker, the other to the other. In the House of Lords the votes are taken commencing with the puisne lord. Peers, it should be observed, may, by virtue of a license from the Crown, vote by proxy, which a member of the House of Commons cannot do, because

it is said that the latter is but a proxy himself; and "*delegatus non potest delegare.*" But this reason for the privilege is not applicable to the Scotch and Irish representative peers, who are as much the delegates of others as members of the House of Commons. This privilege of voting by proxy extends only to divisions of the house, and not to divisions of a committee. A peer has also, if he please, the power of entering in the journals of the house a formal protest against any measure he may disapprove, together with reasons for so protesting. When a division takes place, the houses are always cleared for the purpose, and the doors closed, so as to prevent members coming in or going out; for it is an established rule, that none who did not hear the question read shall be allowed to vote; and that none who did, and were in the house at the time, should be allowed to withdraw without voting. If, from inattention, any members neglect going out when their side go forth, and remain in the house, they must be told with the party remaining in, even though contrary to their avowed opinions.

Committees. — Many of the rules relating to committees have already been incidentally noticed. Committees, at the will of the house, assert the power to summon and enforce the attendance of witnesses, and the witnesses attending cannot be arrested either on their coming or going; if they be, the house will, on motion, order them to be discharged. Officers too may be summoned to attend with the books of a corporation, &c.; and if any one directly or indirectly attempt to prevent a witness from appearing or giving testimony, or tampers with him in respect of the evidence to be given, the house will proceed against him with severity, as it will also against the witness himself if he give false testimony.

All committees, excepting those appointed to inquire into the return of a member, cease *ipso facto* on a prorogation or adjournment of parliament.

There is this difference between committees of the Lords and Commons: the former examine witnesses upon oath, which the latter cannot do, the Commons not being entitled to administer an oath, with the exception of committees appointed for considering disputed elections, as will be mentioned immediately.

Committees are in general selected and agreed upon by the houses at their discretion; but a particular method has been laid down by the 9th Geo. IV. cap. 22., consolidating and amending former acts*, for the appointment of committees to examine into questions of disputed returns. This statute orders that, if, on the day fixed for hearing the petition against the return, (which, as already mentioned, any person interested may present) 100 members or more be present, 33 are to be drawn by lot, and a list of the names being given to the parties, they withdraw, and alternately strike off one until the number is reduced to 11, who constitute the committee: members who have voted at the election, or who are petitioners, or are petitioned against,

* The most important and valuable of these, 10 Geo. III. cap. 16., has been called the Grenville Act, from its author.

cannot serve; and persons of 60 years of age, or who have served before, are, if they require it, excused; as are others upon showing some good reason.

The members of the committee, thus formed, are then ordered by the house to meet within 24 hours, and proceed *de die in diem*, not being allowed to adjourn for more than 24 hours, except over Sundays, Christmas day, and Good Friday, without leave of the house: no member can absent himself, except upon special cause verified upon oath. The committee cannot at first proceed with fewer than 9 members; but after 14 days, 8, and after 25 days, 7 are sufficient. This committee, unlike the others, continues to sit notwithstanding a prorogation. This committee is also empowered to examine witnesses upon oath, which, as has been said, other committees, and even the house itself, cannot do. Both houses, however, possess judicial auauthority so far as is necessary for investigating all matters relating to themselves or their privileges, and, with the exception above stated on the part of the Commons as to not administering an oath, exercise all the powers requisite for that purpose, as taking persons into custody, examining witnesses, compelling the attendance of parties, the production of books and papers, and other matters of evidence, discharging, reprimanding, and, if necessary, imprisoning offenders: The House of Lords is, indeed, one of the regular courts of justice in the kingdom, which the House of Commons is not: so far, however, as relates to the power of the former in asserting and vindicating its privileges, it should, perhaps, rather be considered, like that of the House of Commons, in the light of a parliamentary prerogative, than as an exercise of its functions as a court of justice.

Conferences. — A conference, if it be on the subject of a bill depending between the two houses, must be demanded by that house which, at the time of asking it, is in possession of the bill. The subject upon which conferences are most frequently demanded are where amendments have been made by one house to a bill passed by the other, to which amendments the house desiring the conference has disagreed. When either house sends a message to the other stating that they disagree to the amendments, they ought to desire a conference; if they neglect doing so the bill is returned, to the end that the due course of parliament in transacting things of this nature may be observed. If the members of the house which amends the bill are not satisfied by the reasons given for disagreeing to the amendments, but perseveres in them, the form is to desire another conference, at which they, in their turn, state their arguments in favour of the amendments, and the reasons why they refuse to depart from them; and if, after such second conference, the other house insists upon disagreeing to the amendments, they may demand a "free conference," at which the arguments on both sides may be more amply and freely discussed: if this prove ineffectual the bill must be lost. The privilege of naming the place of conference belongs to the Lords, who usually fix upon the painted chamber. In demanding the conference, the subject on which it is demanded ought to be distinctly

stated. Managers are appointed by the respective houses, and before they go, if it be not a free conference, the house demanding it appoints a committee to draw up the reasons which they offer in support of their measure. These reasons being reported from the committee, and agreed to by the house, are then delivered to the managers of the conference on their part in order that they may communicate them to the managers of the conference on the part of the other house: all the managers have to do is on the one side to state, and on the other to receive, the reasons given; the latter then communicates them to the house by which they have been sent; so that these conferences are, in fact, nothing more than a method of formally communicating the reasons of one house to the other. At a free conference, the arguments on both sides are more freely discussed and gone into. In all conferences the number of the managers on the part of the Commons doubles that of the Lords. The method of holding them is nearly as follows: — The Lords keep their hats on till they come just within the bar of the place of conference; they then pull their hats off and walk uncovered to their seat, after which they put on their hats and sit down; when the conference is over, they rise up, pull off their hats and walk out uncovered. The Commons are never covered, nor do they ever sit at a conference with the Lords; during the time of a conference the House of Commons can do no business, and the practice is during a conference for the Speaker to leave the chair, which he resumes on the return of the managers as a matter of course without any question.

It sometimes happens, for the better inquiry into the subject, that it is deemed advisable to appoint a joint committee of both houses; but the rule, that in committees so appointed, as in conferences, the number of the Commons doubles that of the Lords, makes them in many cases objectionable since the Commons may at any time outvote the Lords. In consequence of this, separate committees have sometimes been appointed by both houses with power to communicate from time to time with each other.

Messages. — A message from the House of Lords to the Commons is sent by two messengers, who, in matters of great moment, are two of the judges: at other times, the messengers are the Master of the Rolls, or Masters in Chancery; and sometimes one Master in Chancery, and the Clerk of the Parliaments. If the message require an answer the messengers ought to wait in the lobby of the House of Commons to carry it back; which answer, if the Commons immediately agree with the Lords, is delivered to them; but if the Commons differ on the subject of the message and require further deliberation, the messengers of the Lords are called in again and told that the house will send answer by messengers of its own.

When the serjeant has informed the Speaker, and the Speaker has reported to the house that there is a message from the Lords, there must be a question put for calling in the messenger. The admission of the messenger is much a matter of course.

The method of sending a message from the Commons to the Lords is by a member, who is appointed upon motion. He must, however,

be accompanied with others, as the rule and practice of the Lords is, to receive no message from the Commons unless it be attended by eight members. For this purpose, when the messenger takes the bill from the table the Speaker calls aloud to the house "Gentlemen, attend your messenger." In bills that have passed the house by a general concurrence, and in other messages in which the House of Commons wish to show their approbation of the measure, it is customary for a great number of members to accompany their messenger. The person selected as messenger is usually the promoter of the bill, or some one noted for his support of it. On the arrival of the messenger of the Commons being announced, the question is put by the Chancellor, as Speaker, in the same manner as in the lower house, whether he shall be admitted? and, on being carried, the Chancellor directs the messenger of the Commons to be called in, who is thereupon introduced to the bar of the house, where he is met by the Chancellor, carrying the seals before him, who receives the message, and, returning to the woolsack, reports it to the house. A message from the King to the Commons, if it be to desire any proceeding on their part, as an augmentation of the army or navy, or a supply of credit, &c., is always sent in writing, signed by the King in his own hand. The person bringing the message informs the house, from the bar, and then takes the message up and delivers it to the Speaker, who reads it to the house, during which the members remain uncovered.

The following table, though it refers more particularly to the House of Commons, will serve, in some degree, to give the reader an idea of the business got through by parliament in the course of a session.

TABLE specifying the Number of Public and Private Acts of Parliament passed in each Session from 1806 to 1831, both inclusive, the Commencement and Termination of each Session, the Number of Days and Hours of Sitting, and the largest Number of Members present at any Division.

Sessions.	Public General Acts.	Private Acts.	Year.	Session		Sitting Days.	Sitting Hours.	Largest Number of Members present at any Division or Ballot.
				Commenced.	Terminated.			
46 G. III.	158	226	1806	21 Jan.	23 July	125	645	30 May - Clause in Mutiny Bill - - 381
47 G. III. (Sess. 1)	56	268	1807 (Sess. 1)	15 Dec.	27 April	86	434	3 April - Dismissal of Administration - 489
47 G. III. (Sess. 2)	78		1807 (Sess. 2)	22 June	14 Aug.	45	272	26 June - Address - - 510
48 G. III.	152	234	1808	21 Jan.	4 July	111	829	29 March, At a Ballot - 353
49 G. III.	129	304	1809	19 Jan.	21 June	97	746	15 March, Duke of York's Conduct - 497
50 G. III.	119	314	1810	23 Jan.	21 June	97	802	19 March, Scheldt Expedition - - 50[illegible]
51 G. III.	128	295	1811	1 Nov.	24 July	135	588	31 Dec. - Creation of Peers by the Regent 449
52 G. III.	165	289	1812	7 Jan.	30 July	137	856	24 April - Roman Catholic Question - 519
53 G. III.	162	295	1813	24 Nov.	22 July	136	676	24 May - Roman Catholic Bill - - 501
54 G. III.	190	298	1814	4 Nov.	30 July	127	476	22 April - Lord Morpeth v. The Speaker - 385
55 G. III.	196	212	1815	8 Nov.	12 July	119	654	25 May - War against Bonaparte - - 428
56 G. III.	142	163	1816	1 Feb.	2 July	91	667	18 March, Property Tax - 443

Number of Public and Private Acts, &c. — *continued.*

Sessions.	Public General Acts.	Private Acts.	Years.	Session Commenced.	Session Terminated.	Sitting Days.	Sitting Hours.	Largest Number of Members present at any Division or Ballot.
57 G. III.	132	140	1817	28 Jan.	12 July	100	587	2 June - Election of a Speaker - 470
58 G. III.	101	153	1818	27 Jan.	10 June	84	488	11 March, Indemnity Bill, Habeas Corpus 308
59 G. III.	138	208	1819	14 Jan.	13 July	118	774	18 May - Committee, State of the Nation 540
60 G. III.—1 G. IV.	14	167	1819-20	23 Nov.	28 Feb.	34	563	1819. 14 Nov. Address - - 536
1 G. IV.	119		1820	21 April	23 Nov.	69		1820. 22 June - Resolution regarding Queen Caroline - 520
1 & 2 G. IV.	123	187	1821	23 Jan.	11 July.	104	861½	26 Jan. - Queen's Name in Liturgy - - 524
3 G. IV.	127	161	1822	5 Feb.	6 Aug.	105	858	30 April - Roman Catholic Peers in Parliament - - 498
4 G. IV.	100	167	1823	4 Feb.	19 July	96	774½	24 April - Reform of Parliament - - 454
5 G. IV.	115	213	1824	3 Feb.	25 June	86	622	11 June - Condemnation of Missionary Smith 344
6 G. IV.	134	282	1825	3 Feb.	6 July	91	687	1 March, Roman Catholic Claims - - 485
7 G. IV.	79	201	1826	2 Feb.	31 May	64	457	27 April - Reform of Parliament - - 375
7 & 8 G. IV.	75	184	1827	14 Nov.	2 July	106	645¾	6 March, Roman Catholic Claims - - 553
9 G. IV.	95	175	1829	29 Jan.	28 July	111	777	26 Feb. - Corporation and Test Acts Repeal - - 435
10 G. IV.	63	205	1828	5 Feb.	24 June	79	540	18 March, Roman Catholic Relief Bill, 2o - 531
11 G. IV.—1 W. IV.	75	204	1830	4 Feb.	23 July	105	856	17 May - Jews' Relief Bill 398
1 W. IV.	27	80	1830-31	26 Oct.	22 April	90	640	22 March, Reform of Parliament Bill, 2o - 608
1 & 2 W. IV.	60	114	1831	14 June	20 Oct.	98	918	6 July - Reform of Parliament Bill, 2o 603

SECT. IV. *Adjournment, Prorogation, and Dissolution of Parliament.*

It remains, lastly, to describe the method of adjourning, proroguing and dissolving parliament.

An adjournment, as the name imports, is nothing more than a continuance of the session from one day to another, and is done by the authority of each house separately every day, and sometimes for a fortnight or month together, as at Christmas or Easter; but the adjournment of one house is no adjournment of the other.

A prorogation, on the other hand, is the continuance of a parliament from one session to another: after a prorogation all bills that are only begun but not perfected, must be resumed *de novo* (if at all) in a subsequent session; but after an adjournment all things continue in the same state as at the time of the adjournment made, and may be proceeded on without any fresh commencement. A prorogation is either by the King's command pronounced in his presence by the Lord Chancellor to both houses; or, 2. by writ under the great seal, directed to the Lords and Commons; or, 3. by commissioners appointed under a special commission for the purpose. The first is the usual way of proceeding, when the parliament is prorogued at the close of the session. Prorogation by writ does not take place, except upon

the meeting of a new parliament, after a general election, and before a speaker of the House of Commons is chosen: on this occasion, when the members of the House of Commons come to the place appointed for administering the oaths by the Lord Steward or his deputies, they are informed that the parliament is to be prorogued by writ, directed to the Lords and Commons. They then proceed directly without entering their own house, or awaiting any message from the Lords, to the House of Peers, where the writ for proroguing the parliament is read. Proroguing by special commissioners is the usual way, when parliament meets from time to time during the recess. Parliament is never prorogued during the whole of the recess, but for about a couple of months only; when, unless any thing particular occurs, it is again prorogued for a similar period and so from time to time, until it meets for the usual yearly business. In times of actual rebellion, or imminent danger of invasion, if the parliament be separated by adjournment or prorogation, the King is empowered to call them together by proclamation, with 14 days' notice of the time appointed for their reassembling.

A dissolution is the civil death of parliament, and may be effected in three ways:—1. By the King's pleasure; 2. by the demise of the Crown; and, 3. by efflux of time.

1. It is the acknowledged prerogative of the sovereign to dissolve parliament at his pleasure, and this as well during an actual session as during an adjournment or prorogation. Since the Revolution, the unvaried practice has been to prorogue the parliament in the first instance to a certain day, and then, before the time of meeting arrives, to issue a proclamation declaring it dissolved. This is adopted as the most delicate and indirect mode of executing an unpleasant measure, which a dissolution is supposed to be.

2. The other method of dissolution, viz., by demise of the Crown, formerly happened immediately on the death of the reigning monarch; but this being found inconvenient, it was enacted by the statutes 7 & 8 Will. III., and 6 Anne, that the parliament in being should continue for six months after the death of any king or queen, unless sooner prorogued by the successor; that, if the parliament be at the King's death separated by adjournment or prorogation, it should, notwithstanding, assemble immediately; and that, if no parliament be then in existence, the members of the last parliament should assemble and be again a parliament.

3. A parliament may expire by length of time. By the act of the 1st of George I. the Crown is restrained from continuing the existence of a parliament for a longer term than seven years, to be calculated from the day on which, by the writs of summons, they were appointed to meet. This law, commonly called the Septennial Act, extended the duration of parliaments to seven years, which, by the 6th of William & Mary, had been limited to three. Before the act of William & Mary, which passed in 1694, there was by law no limitation of time for the duration of parliaments; the Crown might have extended the duration of parliament for any term; and, in fact, the parliament which was elected in 1661, soon after the Restoration, was not dissolved till January 1678-9, having continued nearly

eighteen years. The acts in force before the reign of William did not limit the duration of each parliament to three years, but provided only that their sittings should not be suspended beyond that term.

TABLE of the Duration of Parliaments from the 1st of Henry VIII., when long parliaments were first introduced, to the end of William IV.

Met.	Dissolved.	Existed. Y. M. D.
REIGN OF HENRY VIII.		
21 January, 1510	23 February, 1510	0 1 2
4 February, 1511	4 March, 1513	2 1 0
5 February, 1514	22 December, 1515	1 10 17
15 April, 1523	13 August, 1523	0 3 29
3 November, 1530	4 April, 1536	5 5 1
8 June, 1536	18 July, 1536	0 1 10
28 April, 1539	24 July, 1540	1 2 26
16 January, 1541	29 March, 1544	3 2 13
23 November, 1545	31 January, 1547	1 28 0
EDWARD VI.		
4 November, 1547	15 April, 1552	4 5 11
1 March, 1553	31 March, 1553	0 1 0
MARY.		
5 October, 1553	6 December, 1553	0 2 1
2 April, 1554	5 May, 1554	0 1 3
12 November, 1554	16 January, 1555	0 2 4
21 October, 1555	9 December, 1555	0 1 18
20 January, 1557	17 November, 1557	0 9 28
ELIZABETH.		
23 January, 1558	8 May, 1558	0 3 16
11 January, 1562	2 January, 1567	4 11 27
2 April, 1571	29 May, 1571	0 1 27
6 May, 1572	18 March, 1580	7 10 10
23 November, 1585	14 September, 1586	0 9 21
29 October, 1586	23 March, 1587	0 4 23
4 February, 1588	29 March, 1588	0 1 25
19 November, 1592	10 April, 1593	0 4 22
24 October, 1597	9 February, 1598	2 3 16
7 October, 1601	29 December, 1601	0 2 22
JAMES I.		
19 March, 1603	9 February, 1611	7 10 21
5 April, 1614	7 June, 1614	0 2 2
30 January, 1620	8 February, 1621	1 0 9
19 February, 1623	24 March, 1625	2 1 5
CHARLES I.		
17 May, 1625	12 August, 1625	0 2 26
6 February, 1626	15 June, 1626	0 4 9
17 March, 1627	10 March, 1628	0 11 23
13 April, 1640	3 May, 1640	0 0 22
3 November, 1640	20 April, 1653	12 5 17
CHARLES II.		
25 April, 1660	29 December, 1660	0 8 4
8 May, 1661	24 January, 1678	16 8 16
6 March, 1679	12 July, 1679	0 4 6
17 October, 1679	18 January, 1681	1 3 1
21 March, 1681	28 March, 1681	0 0 7
JAMES II.		
12 March, 1685	28 July, 1687	2 4 16
22 January, 1688	26 February, 1689	1 1 4
WILLIAM III.		
20 March, 1689	11 October, 1695	6 6 22
27 November, 1695	7 July, 1698	2 7 10
24 August, 1698	19 December, 1700	2 3 26
26 February, 1700	11 November, 1701	1 8 5
20 December, 1701	7 July, 1702	0 6 2
ANNE.		
20 August, 1702	5 April, 1705	2 7 16
14 June, 1705	15 April, 1708	2 10 1
8 July, 1708	21 September, 1710	2 2 13
25 November, 1710	8 August, 1713	2 8 14
12 November, 1713	15 January, 1715	1 2 3
GEORGE I.		
17 March, 1715	10 March, 1721	5 11 21
10 May, 1722	5 August, 1727	5 2 26
GEORGE II.		
28 November, 1727	18 April, 1734	6 4 21
13 June, 1734	28 April, 1741	6 10 15
25 June, 1741	18 June, 1747	5 11 24
13 August, 1747	8 April, 1754	6 7 26
31 May, 1754	20 March, 1761	6 9 20
GEORGE III.		
19 May, 1761	11 March, 1768	6 9 22
10 May, 1768	30 September, 1774	6 4 21
29 November, 1774	1 September, 1780	5 9 4
31 October, 1780	25 March, 1784	3 4 26
18 May, 1784	11 June, 1790	6 0 25
10 August, 1790	20 May, 1796	5 11 3
12 July, 1796	31 December, 1800 (United Kingdom of G. B. and Ireland.)	5 11 18
22 January, 1801	29 January, 1802	
31 August, 1802	24 October, 1806	4 2 25
15 December, 1806	29 April, 1807	0 4 15
22 June, 1807	29 September, 1812	5 3 7
24 November, 1812	10 June, 1818	5 6 16
4 August, 1818	29 February, 1820	1 6 25
GEORGE IV.		
23 April, 1820	2 June, 1826	6 1 9
14 November, 1826	24 July, 1830	4 1 22
WILLIAM IV.		
26 October, 1830	22 April, 1831	0 5 27
14 June, 1831	3 December, 1832	0 5 20
29 January, 1833	30 December, 1834	1 11 1
19 February, 1835	17 July, 1837	2 5 2
VICTORIA.		
15 November, 1837.		

Acts of Parliament being quoted by the year of the King's reign, we subjoin, for the convenience of the reader, the following

TABLE, showing the Commencement, Length, and Termination of the Reigns of the various Kings and Queens of England, since the Conquest, with the Date of their respective Births, and their Ages.

Kings and Queens.	Born.	Reigns began.	Reigned. Y. M. D.	Reigns ended.	Age.
NORMAN MONARCHS.					
Will. Conq. -	1027	1066 Dec. 25.	20 8 15	1087 Sept. 9.	60
Will. Rufus -	1057	1087 Sept. 26.	12 10 7	1100 Aug. 2.	43
Henry I. - -	1068	1100 Aug. 5.	35 3 27	1135 Dec. 1.	67
Stephen - -	1105	1135 Dec. 26.	18 10 0	1154 Oct. 25	49

Reigns of Kings and Queens, &c. — *continued.*

Kings and Queens.	Born.	Reigns began.	Reigned. Y. M. D.	Reigns ended.	Age.
		House of Plantaganet.			
Henry II. - -	1133	1154 Dec. 19.	34 6 18	1189 July 6.	55
Richard I. - -	1156	1189 Sept. 3.	9 7 3	1199 April 6.	43
John - - -	1165	1199 May 27.	17 4 23	1216 Oct. 19.	60
Henry III -	1207	1216 Oct. 28.	56 0 19	1272 Nov. 16.	65
Edward I. - -	1239	1272 Nov. 20.	37 7 17	1307 July 7.	67
Edward II. -	1284	1307 July 8.	19 6 12	1327 Jan. 20.	43
Edward III. -	1312	1327 Jan. 25.	50 4 27	1377 June 21.	65
Richard II. -	1367	1377 June 22.	22 3 7	1399 Sept. 29.	33
		House of Lancaster.			
Henry IV. - -	1367	1399 Sept. 30.	13 5 20	1413 Mar. 20.	46
Henry V. - -	1389	1413 Mar. 21.	9 5 10	1422 Aug. 31.	33
Henry VI. - -	1421	1422 Sept. 1.	38 6 3	1461 Mar. 4.	49
		House of York.			
Edward IV. -	1442	1461 Mar. 4.	22 1 5	1483 April 9.	41
Edward V. - -	1471	1483 April 9.	0 2 16	1483 June 25.	12
Richard III. -	1443	1483 June 26.	2 1 26	1485 Aug. 22.	42
		Houses of Lancaster and York united.			
Henry VII. -	1456	1485 Aug. 22.	23 7 30	1509 April 21.	52
Henry VIII. -	1492	1509 April 22.	37 9 6	1547 Jan. 28.	55
Edward VI. -	1537	1547 Jan. 28.	6 5 9	1553 July 6.	15
Q. Mary - -	1516	1553 July 6.	5 4 11	1558 Nov. 17.	42
Q. Elizabeth -	1533	1558 Nov. 17.	44 4 7	1603 Mar. 24.	69
		House of Stuart.			
James I. - -	1566	1603 Mar. 24.	22 0 3	1625 Mar. 27.	59
Charles I. - -	1600	1625 Mar. 27.	23 10 3	1649 Jan. 30.	49
		Commonwealth.			
		1649 Jan. 30.	11 3 29	1660 May 29.	
		House of Stuart restored.			
Charles II. -	1630	1649 Jan. 30.	36 0 7	1685 Feb. 6.	54
James II. - -	1633	1685 Feb. 6.	3 10 5	1688 Dec. 11	67
		Houses of Orange and Stuart.			
William III. -	1650	1689 Feb. 13.	13 0 20	1702 Mar. 8.	52
Mary II. - -	1662				32
Q. Anne - -	1665	1702 Mar. 8.	12 4 24	1714 Aug. 1.	49
		House of Hanover.			
George I. - -	1660	1714 Aug. 1.	12 10 10	1727 June 11.	67
George II. -	1683	1727 June 11.	33 4 14	1760 Oct. 25.	77
George III. -	1758	1760 Oct. 25.	59 3 4	1820 Jan. 29.	82
George IV. -	1762	1820 Jan. 29.	10 4 28	1830 June 26.	68
William IV. -	1765	1830 June 26.	6 11 25	1837 June 20.	71
Victoria - -	1819	1837 June 20.			

CHAPTER III.—Of the Executive.

Sect. I. *The King, his Duties and Prerogatives.*

The executive power according to the British constitution, both as it relates to foreign and domestic affairs, belongs to the King or Queen regnant for the time being; males and females being equally capable of ascending the throne of these realms. In all acts of parliament, indeed, the term king is taken as including equally that of queen. It must be observed, however, that the King performs all executive acts through the medium of responsible advisers or recognised officers and agents. His most important acts of state are done with the advice and sanction of his council, so that his regal power is exercised, not in any act of direct personal intervention, but in the selection of his instruments and advisers.

The right of succession to the crown according to common law and constitutional custom is hereditary; subject, nevertheless, to be controlled and limited by authority of parliament. But the descent of the crown differs in several respects from the rules of inheritance in ordinary cases. The crown, for instance, descends to an eldest daughter and her issue, in preference to her sisters. Neither is there any legal infancy in the case of an heir to the crown; whenever, therefore, such an event as the devolution of the crown on a minor is likely to occur, it is usual for parliament, in the lifetime of the ancestor, or predecessor, to make a special provision to meet the contingency, by appointing a regency until the Sovereign shall have attained a suitable age.

The crown, as limited by the Act of Settlement, 12 & 13 Will. III. c. 2., is now vested in the descendants of the Princess Sophia, youngest daughter of Elizabeth, Queen of Bohemia, and grand-daughter of James I., being Protestants; and it is enjoined in the above act, that the possessor of the crown shall join in the communion of the Church of England.

On the accession of every prince he is solemnly crowned; on which occasion he is formally invested with the office, and the oath prescribed by the act of 1 W. & M. is administered to him. By this oath the Sovereign is bound "to govern the people of this kingdom of England, and the dominions thereto belonging, according to the statutes in parliament agreed on, and the laws and customs of the same; to cause law and justice, in mercy, to be executed in all his judgments; to maintain the laws of God, the true profession of the gospel, and the Protestant reformed religion established by law; and to preserve to the bishops and clergy of this realm, and the churches committed to their charge, all such rights and privileges as do or shall appertain unto them."

This oath, if the coronation has not taken place previously, the Act of Settlement requires every King of the age of 12 to take on the first day of the first parliament after his accession in the House of Peers, and at the same time to repeat and subscribe the declaration against popery.

Although the act of coronation was formerly regarded as a very important, if not an essential, preliminary to the assumption of the royal character*, yet it has now been long settled that the King is, at the instant of his accession without any coronation, to all intents and purposes the Sovereign of these realms; and, though no oath has been in fact administered to him, he is as much bound by the provisions it contains as if he had actually taken it.

As regards the duties of the King, in the point of view now under consideration, they may be considered as twofold,—1st, in relation to foreign, and, 2ndly, in relation to domestic affairs.

1st. In the intercourse between this and other states, the King is considered as the representative of the nation; and, as such, has by law the sole power of making war and peace. The law will not permit war to be covertly or openly carried on by his subjects or by any portion of them with any foreign nation at peace with this; and by stat. 12 Car. II. c. 4. and 29 Geo. II. c. 16., he may prohibit the exportation of arms and ammunition, under severe penalties. The King may also grant what are termed letters of marque, that is, permissions to any of his subjects who have suffered from foreign depredations to make reprisals, and to seize or destroy the property of any of the subjects of the aggressor nation without incurring the penalties of piracy.

As incident to the King's power of making war he has the entire command and disposal of the army and navy; all the officers of which receive their commissions from him, and are subject to his authority. The management of the militia, yeomanry, and other domestic forces, is regulated by the provisions of various statutes, which, however, distinctly recognise the same paramount power of the Crown. The right to the command of the military forces formed one of the disputed questions between Charles I. and his parliament; on the Restoration, however, an act was passed (13 Charles II.), declaring that the sole supreme government and command of the militia within all his Majesty's realms and dominions, and of all forces by sea or land, and of all forts and places of strength, ever was and is the undoubted right of his Majesty and his royal predecessors; and that both or either house of parliament cannot nor ought not to pretend to the same. This statute, it is to be observed, extends not only to fleets and armies, but also to forts and other places of strength within the realm; of which the erection and government belong to the royal prerogative. It is, and from the earliest period ever has been, undoubted law, that no fortress or castle for warlike defence can be built by a subject without the license of the King.

It is partly upon the same, and partly on fiscal grounds for the security of the revenue, that the King alone has the right of appointing ports and havens. Navigable rivers and havens, and the guardianship of the circumjacent seas, are also among the regalia, and subject to the Sovereign. He is the presumptive lord of the whole shore, and of all tide rivers, and of the creeks and havens, which are the inlets and, as it were, the gates of the realm. All legal ports are held to owe their first establishment to the authority of the Crown; nor is it lawful in ordinary cases to land or to embark at any but an authorised port.

* See *Hardy's Introduction to Close Rolls*, p. 135—137.

By the 1st of Elizabeth, c. 11., and 13 & 14 Car. II. c. 11. § 14., the Crown is enabled by commission to ascertain the limits of all ports, and to assign proper wharfs and quays in each port for the exclusive landing and loading of merchandise.

The erection of beacons, light-houses, and sea-marks is another branch of the royal prerogative. For this purpose the King has the exclusive power, by commission under the great seal, to cause them to be erected in convenient places, as well upon the lands of the subject as upon the demesnes of the Crown; a power which is usually vested by letters patent in the office of lord high admiral: and, by the 8th Elizabeth, c. 13., the corporation of the Trinity House is empowered to set up beacons or sea-marks, wherever they shall think them necessary.

To this branch of the prerogative may also be referred the power which the King has, upon reasonable grounds, of compelling his subjects to stay within the realm, or of recalling them from beyond seas. It is true that, by the common law, every man is allowed to go out of the realm at his pleasure without obtaining the King's leave; but the King, by a writ termed a *ne exeat regno* under his great or privy seal, may, if he think proper, prohibit any subject from quitting the kingdom, or he may send a writ to any subject abroad commanding his return; and, in either case, if the subject disobey, it is a breach of his allegiance, and the offender's lands and goods may be seized until his return; and on his return he is punishable by fine and imprisonment.

As the King has the power of making war, so he has also of making peace and negotiating treaties. He sends ambassadors abroad and receives them at home; it is by his authority, also, that passports are granted and safe-conduct insured to the subjects of foreign states visiting this country.

In respect to domestic affairs it is the King's duty and prerogative, as chief magistrate, to summon together the legislature, and prorogue or dissolve it, from time to time, as may be necessary. As conservator of the public peace and guardian of the laws, it is his duty and office to see that the rights and liberties of his subjects are secured, and that justice is duly administered. These duties, however, are all performed through the instrumentality of responsible agents, selected by himself, or appointed in due course of law. Thus the conservation of the laws is intrusted to his judicial officers, whether he be lord high chancellor, judge, or justice of the peace. In pursuance of this duty writs and mandates of all forms suitable to the grievances complained of are to be obtained on the application of the subject, which are addressed either to the party offending who is bound to obey, or to some officer of the Crown whose business it is to enforce them. In the further fulfilment of this part of his character, the King has to prosecute all public offenders; for which purpose he has his law officers, the attorney and solicitor-general: but, in practice, the duties of these officers are almost entirely confined to offences immediately affecting the interests of the Crown. In all ordinary criminal prosecutions, though carried on in the King's name and at his nominal suit, the real promoters of the prosecution are the parties injured, who have a right to use the King's name for the purpose of putting in motion the process of the law. It is in the same sense that the King

is styled the fountain of justice; it is from him that all courts, ecclesiastical as well as civil, mediately or immediately, derive their jurisdiction. In early times it is matter of history that our kings were in the habit of hearing and determining causes in person; and the forms of law, still in use, attest the fact: but now, by the uniform usage of many ages, they have delegated the whole of their judicial functions to the judges appointed by them in the different courts, who are the great depositaries of the laws of the kingdom, and have acquired a certain and established jurisdiction regulated by rules and maxims not to be altered except by authority of parliament. In all proceedings to which the King is a party there are certain legal fictions invented for political reasons, and which express his exclusive attributes. Thus he is endued with ubiquity, and cannot therefore suffer nonsuit, which implies the absence or desertion of the party:—no time runs against him, and no neglect or delay can prejudice him, though this maxim has in certain cases been narrowed by the *Nullum Tempus*, and other acts. The effect of these and other rules, though expressed in the form of paradoxes, is very important, and the King is not the only person benefited by them. Thus, the subject partakes of the same advantages where the law enables him to use the name of the King: indeed so large a portion of the royal prerogatives have their origin in public utility, that the public cannot fail to derive advantage from the maxims that protect them. It must be remembered that the term "public," or "national" may, in most instances, be substituted for the words "crown," or "royal," wherever the latter are employed by the law. The attributes of the King, thus considered, are in fact the birthright and protection of the people.

The King is *parens patriæ:* He has the care of minors, idiots and lunatics, and the superintendence of all charities which have had no other visiters assigned to them; duties which are exercised either by the lord high chancellor for the time being, or by the ordinary courts of law. The Crown has a sort of ultimate reversionary interest as feudal lord paramount in all the lands in the kingdom, which are all directly or mediately held of him, and are supposed to have been originally granted by him on certain conditions; of which one is, the true and faithful allegiance of the holder. Hence it is that when a subject is convicted of treason his lands are forfeited to the King. For the same reason when lands or other property have no owner, as when a man dies intestate and without heirs, the King takes them; but his title must in most instances be verified by an inquest or jury, before seizure.

Another prerogative of the King is that of granting pardons. In some extraordinary offences, however, the King cannot remit the execution of the law. 1stly, The committing any man to prison out of the realm is, by a statute passed in the reign of Charles II., an offence unpardonable; 2dly, The King cannot pardon a person guilty of a common nuisance while it remains unredressed, though afterwards he may remit the fine; neither, 3dly, can the King pardon an offence against a popular or penal statute after information brought by an informer or person entitled to the whole or part of the penalty, the informer being considered to have acquired a private property in his

part of the penalty, which the King cannot remit. The King's pardon cannot be pleaded in the case of any parliamentary impeachment, so as to impede the inquiry and stop the prosecution; but after the impeachment has been heard and determined, it does not appear that the royal grace is further restrained.

Besides being the fountain of justice, the King is also the fountain of honour, office, and privilege. All degrees of nobility, of knighthood, and other titles, are conferred by his immediate grant, either as in the creation of peers, already mentioned, by writs or letters patent, or by corporeal investiture, or ceremony unaccompanied by any instrument, as in the creation of a knight. To him, also, belongs the prerogative of erecting and disposing of offices; but as he can annex no fees to any new office without consent of parliament, this prerogative is of little moment. The King has also the power of conferring various privileges on private persons; as of giving place or precedence to any of his subjects, or granting letters of denization to persons born out of his dominions, whereby they obtain many of the privileges of natural-born subjects.

Another character which the King fills at home, is that of head and supreme governor of the national church. The dignity was conferred upon him at the time of the Reformation (26 Henry VIII. c. 1.), when it was declared that the King should be reputed the only supreme head on earth of the Church of England, and should have annexed to the imperial crown of this realm, as well the title and style thereof, as all jurisdictions, authorities, and commodities, to the said dignity of supreme head of the church appertaining. By virtue of this authority, the King convenes, prorogues, regulates, and dissolves all ecclesiastical synods and convocations; a power which appears, indeed, to have been an inherent prerogative of the Crown long before the time of Henry VIII. Before the overthrow of the papal authority, the pope was accounted supreme ordinary, and was capable of doing all spiritual acts which any metropolitan could do. The effect of the parliamentary provisions at the Reformation was to restore, or at least to transfer, to the Crown the powers theretofore *de facto* exercised by the pope. Hence the King may now erect a spiritual college or chapter; may suppress or erect bishoprics; sanction appropriations; adjudicate upon spiritual causes on appeal, and do many similar acts to which the bishop of Rome was long considered in this country an essential party.

The convocation above mentioned, it may perhaps be sufficient to observe, is in its constitution very similar to a parliament. The archbishop presides; the upper house is represented by the bishops, and the lower house by the representatives of the several dioceses at large, and of each particular chapter. During the earlier periods of the constitution, when each estate of the realm was supposed to have an independent interest, each appears to have had a separate voice in assenting to subsidies, and to have contributed, in many instances, in varying proportions.* At that time, taxes on ecclesiastical benefices were imposed by consent of the convocation. This ecclesiastical synod, though no longer active, is still regularly convoked.

* *Hallam's Mid. Ages*, 54—6. (7th ed.)

The King's right of nomination to vacant bishoprics and certain other ecclesiastical preferments, arises rather from original or presumed foundership, than from his spiritual supremacy.

The King has authority at the common law to regulate internal commerce. His prerogative in this respect may be classed under the following heads: —

1. To him belongs the establishment of all markets and fairs, with the tolls thereto belonging, which can only be set up by the King's grant, or be exercised by long and immemorial custom, which presupposes a grant.

2. The King has, at the common law, the exclusive right of coining money. The right was formerly exercised, under the sanction or grant of the Crown, by many other local authorities. With regard to the regulation of weights and measures, which has been said to be a royal prerogative (1 *Blackstone's Commentaries*, 274.), recent acts have so settled the standard weights and measures, that it is apprehended the Crown can no longer interfere by its mere prerogative.

King's Councils. — To assist the King in the discharge of these various duties, several councils are assigned him independently of the parliament, which, as we have seen, is the great council of the realm.

Peers. — The first of these consists of the peers of the realm, who are by birth hereditary counsellors of the Crown, and may be called together by the King to impart their advice in all matters of national importance. This council, however, as distinct from the peers in parliament, has long since fallen into disuse. Every peer of the realm has also a right to an audience by the sovereign for the purpose of offering his advice, or tendering his opinion, on matters of importance.

Privy Council. — Another council belonging to the King is the Privy Council, usually styled by way of distinction "the Council." This council is formed by the King, and consists of such persons only as he thinks fit to appoint, with the exception of the mayor of London, who, it seems, is *ex officio* a privy counsellor, and as such is summoned to the first council on the accession of a new king. These are generally the principal nobility and leading political commoners in the kingdom. As the members are chosen by the King, so he may at pleasure discharge all or any of them, and select new ones. This council is also, like parliament, dissolved by the demise of the Crown; though, like parliament, its existence is now prolonged for convenience six months afterwards, unless previously dissolved. No particular qualifications are necessary for privy counsellors; all that seems required is, that they shall be natural-born subjects and ready to take the oaths, from the tenor of which their duties may be best gathered: these are, 1st, to advise the King according to the best of their ability and discretion; 2nd, to advise for the King's honour and public good, without partiality, through affection, love, need, doubt, or dread; 3rd, to keep the King's counsel secret; 4th, to avoid corruption, and to help and strengthen the execution of what shall in council be resolved; 5th, to withstand all persons who may attempt the contrary; and, lastly, in general to do and keep all that a good and true counsellor ought to do and keep to his sovereign lord. The principal judicial duties of this council will be treated of hereafter among the courts of justice.

Cabinet Council. — The Cabinet Council is now the only effective council for advising on the acts of the executive, and administering the affairs of the state. It is said to have been so termed by the ministers in the time of Charles I., who met in the cabinet of Queen Henrietta. The members of this council consist of the chief and most confidential officers of state, being usually the ministers at the head of the principal public departments. The Privy Council seems, originally, to have been a selection of a similar nature; but when seats in that body began to be possessed by those who did not enjoy the King's confidence and it became too numerous for secrecy or despatch, a committee of its number, forming the Cabinet Council, was intrusted with the direction of confidential affairs, and was alone summoned; leaving to the body at large business of a judicial, formal, and less confidential nature. As the members of the Cabinet Council have no legal appointment nor indeed any recognised legal existence, so neither have they any formal dismissal: on the resignation or dismissal of a minister from office, he ceases to be a member of the Cabinet Council.*

SECT. II. — *Officers employed under the Crown in an Executive Capacity.*

It is not intended to enter into a detail of the various subordinate officers and establishments engaged in the discharge of the above-mentioned duties of the Crown: those only will be specified that are more immediately connected with the administration of justice.

Officers of Justice. — Of these the first in point of rank and dignity is the Lord High Chancellor. His office is very ancient, and is said to be derived from the Roman empire. Originally he had the supervision of all charters, letters patent, &c.; and hence he was intrusted with the care of the King's great seal, the mere delivery of which into his hands constitutes him Chancellor, no further ceremony being necessary; his dismissal or resignation is, in like manner, effected by its redelivery. In point of precedency he is superior to all temporal lords except princes of the blood royal, as he also is to the spiritual lords with the exception of the Archbishop of Canterbury, to whom he ranks next. He is privy councillor by virtue of his office; and, according to some, Speaker of the House of Lords by prescription. In the name of the King, he has the appointment of all justices of the peace throughout the kingdom. Being generally, in former times, an ecclesiastic (none else being then capable of holding an office so conversant with writings), and officiating at the royal chapel, he became keeper of the King's conscience; visiter, in right of the King, of all hospitals and colleges of the King's foundation; and patron of all the King's livings under the value of 20 marks in a valuation made in the reign of Henry VIII., called the King's Book. In virtue of a delegated authority from the Crown,

* See 3 *Hallam's Constitutional History*, p. 249, *et seq.* — See further on the Royal Councils, *Hale's House of Lords*, ch. 2, and *Sir F. Palgrave's Authority of the Council*, per totum.

to him belongs the guardianship of all infants, idiots, and lunatics, and the general superintendence of charities. His functions as the chief judge in equity will appear under the proper title hereafter.

The officers next in dignity employed in the administration of justice, are the judges; but, as they differ in the different courts, we shall defer noticing them until we come to speak of the courts over which they respectively preside. With the judges, the higher order of officers may be said to terminate. All of them, in a certain sense, represent the King himself: they act in his name, and possess a general jurisdiction throughout the kingdom. Those whom we are now about to mention are of a subordinate and local character.

England, it is to be observed, is, for civil purposes, divided into counties or shires, hundreds, and tithings, townships, or vills, the last three of which, in a legal sense, are synonymous. In some counties there are intermediate divisions between the shire and the hundreds, as the lathes in Kent, and the rapes in Sussex, each of which contains several hundreds; some of the larger counties were, moreover, originally divided into trithings; but the only county in which this triple division still continues to exist, is Yorkshire, where they are known by the name of ridings. — (See Vol. I. p. 167.) Each of these divisions originally had, and, to a certain extent, still retains, its proper officers. With respect to cities and boroughs, some have been created by the Crown into counties of themselves, and as such are entirely detached from the county in which they are locally situated; others still remain within the body of the county, but are exempt from the interference of the King's officers and governed by local authorities, created by express charter, or sanctioned by prescriptive usage. Three of the counties—Chester, Durham, and Lancaster — are called counties palatine: the two former had a very early origin, and are therefore palatinates by prescription, or immemorial custom; the latter was created by Edward III. in favour of Henry Plantagenet. The owners of them formerly had in those counties *jura regalia*, as fully as the King himself, whose great feudataries they continued to be. They formed, in fact, small kingdoms within themselves; and the lord possessed powers over them similar to those of the King himself over the rest of the kingdom, as well in civil as in criminal cases. The powers of the owners of these franchises were, however, long ago much abridged (27 Hen. 8.), and, until the late act of parliament for remodelling the see of Durham, the county palatine of Durham was the only one which remained in the hands of a subject.

County Officers. — The principal county officers are the sheriff, the *custos rotulorum*, the justices of the peace, the clerk of the peace, and the coroner.

1. Sheriff is, in Saxon, *scire-gerefu*, that is, the reeve or *prepositus* of the shire. His office was partially identified with that of the *comes*, or earl, whose substitute he was, and to whose ministerial duties he succeeded under the name of viscount (*vice-comes*). His district is coextensive with that of the *comitatus*, or county, which, at the conquest, also obtained the name of his bailiwick (*balliva*).

The sheriff is chosen annually: at common law he was chosen by the freeholders; but by statutes 14 Edward III. c. 97., 23 Henry VI.

c. 8., and 21 Henry VIII. c. 20., he is to be appointed yearly on the morrow of All Souls (since altered to the morrow of Saint Martin), at the Exchequer, by the Chancellor, Treasurer, President of the King's Council, Chief Justice, and Chief Baron. And the custom now is for the judges, together with the above-mentioned officers, to meet in the Exchequer on the morrow of the last-mentioned day, when the judges propose three persons to be reported, if approved of, to the King; who afterwards appoints one of them (usually the first on the list) sheriff. No definite qualification seems to be required for the office except that, holding an accountable situation, and being responsible both to the Crown and to those private persons whom he may have injured by the negligent or improper performance of his functions, he is required by several statutes to have sufficient land within the shire to answer the King and his people. In practice he is usually a person of consideration and substance in his county. If any reasonable excuse can be alleged for declining this onerous office, — as that the individual chosen is of small fortune, an officer in the militia, abroad, or the like, — it will be received: The objections on which the office is sought to be avoided ought to be stated to one of the judges, who will mention them at the time of appointment. The stat. Richard II. c. 11. enacts, that no man who has served in the office shall be again elected within three years. A sheriff may, however, hold his office after the year, if not before lawfully discharged; and by 1 Anne, c. 8. all officers appointed by the preceding King may hold their offices for six months after the King's demise, unless sooner displaced by his successor. If a sheriff die before his office has expired, the under-sheriff executes the same in the deceased sheriff's name till a new one is sworn; and is answerable for the execution of the office as the deceased sheriff would have been. If any one, fully qualified and chosen, refuses the office of sheriff, he is liable to a criminal information. There are cases in which the office of sheriff has become hereditary in particular families by a grant from the Crown; in others, as in London, the office is elective. In the county of Middlesex, the office has been granted to the city of London.

The duties which the sheriff has to perform are numerous: he has to act as a judge; as the keeper of the King's peace; as a ministerial officer of the superior courts of justice; and as the King's bailiff.

In a judicial capacity, or rather in a capacity partly judicial and partly ministerial, he presides at the county and hundred courts, and also upon the execution of writs of inquiry, and of writs of trial issued under 3 & 4 Will. IV. ch. 42. He presides at the election of knights of the shire (subject to control by the House of Commons) and of coroners, and returns such as he shall determine duly elected. The provisions for registration under the Reform Bill have reduced this duty within very narrow limits.

The sheriff, as well as the constable, coroner, and certain other officers of the King, are, by the great charters, expressly forbidden to hold any pleas of the Crown, or, in other words, to try any criminal offence upon an indictment. Neither can the sheriff, during the continuance of his office, act as an ordinary justice of the peace. He

formerly held his tourn or leet regularly once or twice in the year for matters within its jurisdiction.

As keeper of the King's peace, he may apprehend and commit to prison all persons who break, or attempt to break it; and may bind any one in a recognisance to keep it: but such precautionary measures are now usually taken by the justices of the peace. He is bound, *ex officio*, upon proper requisition, to pursue and take all traitors, murderers, felons, and other misdoers, and commit them to gaol for safe custody. He is also bound to defend his county against any of the King's enemies, when they come into the land; and for this purpose, as well as for keeping the peace and pursuing felons, he may command all the adult male population of his county to attend him in arms. The force so raised is called the *posse comitatus*, or power of the county. It is hardly necessary to say, that the Crown at this day does not rely on the sheriff for the defence of the realm against foreign enemies, and that the *posse comitatus* is no longer so organised as to be an efficient force even in the case of internal disturbance.

In his ministerial capacity, the sheriff is bound to execute all writs and other process issuing from the King's courts of justice, and directed to him; and, if necessary, to arrest and take charge of the defendant. When a cause comes to trial, he must summon and return the jury; and when it is over, he causes the judgment of the court to be carried into execution. In criminal matters he also returns the juries, is attendant on the judges during trial, and executes the sentence of the court, though it extend to death itself. The bailiff, gaoler, and executioner, are looked upon as his officers, and, to a certain extent, he is answerable for their conduct.

As the King's bailiff, it is his business to preserve the rights of the King within his bailiwick; for so his county is usually called in writs. Further, it is his duty to watch over the King's rights; to seize to the King's use all lands devolved to the Crown by attainder or escheat; to levy all fines and forfeitures; to seize and keep all waifs, wrecks, estrays, and the like, unless granted to some subject; and to be accountable for these and other sources of revenue to the King's officers of the Exchequer.

The Custos Rotulorum is also a county officer of high dignity, and bears the same rank in civil affairs that the *Lord-lieutenant* does in military. Of late years, indeed, the two offices have been usually vested in the same individual; they are, however, totally distinct, both in their appointments and their duties. The *custos rotulorum* has, as his name implies, the custody of the rolls and records of the sessions of the peace, though, in point of law, they remain in the custody of all the justices. The appointment is made by the King's commission; unless the King, or his progenitors, by letters patent, have granted any liberty in particular districts to appoint the *custos rotulorum*, in which case the lord of the liberty exercises the power himself. The *custos rotulorum*, by virtue of his office, having the custody of the rolls of session, ought to attend the session by himself or his deputy, who is the clerk of the peace, and is appointed by him. The *Lord-lieutenants* of counties became standing officers of the Crown about the reign of Henry VIII.; they represent the Crown in the management of the militia of each county.

Clerk of the Peace.—This officer, appointed as above mentioned, is responsible to the justices in session for the performance of his duties. It is his duty, by himself or his deputy (who must be approved by the *custos rotulorum*), to be in constant attendance on the Court of Quarter Session. He gives notice of the time of its being holden or adjourned; issues its process; records its proceedings; and executes all the ministerial acts necessary to give effect to its decisions. He receives bills of indictment from the grand jury; calls over the petty jury; arraigns prisoners; receives and records verdicts; administers oaths; and makes true entries of all proceedings. The table of fees to be taken by the clerk of the peace is settled by the justices in their Court of Quarter Session, and subsequently submitted to the justices of assize for their approval.

The Coroner (*coronator*, so called from having principally to do with pleas of the Crown, or those wherein the King is more immediately concerned) is a very ancient officer at common law. The Lord Chief Justice of the King's Bench is, *ex officio*, the principal coroner in the kingdom, and may, if he please, exercise the jurisdiction of a coroner in any part of the realm. But there are also particular coroners for every county, usually four, but sometimes six, and sometimes fewer. This officer is of equal antiquity with the sheriff, and was ordained, together with him, to keep the peace, and to inquire concerning the rights of the Crown.

He is still chosen by all the freeholders in the County Court; as the sheriffs, conservators of the peace, and other officers, formerly were, whose official duties nearly affected the liberty of the people. For this purpose a writ at common law issues to the sheriff, in which he is expressly commanded, "to cause to be chosen such a person, who may best know and be able to attend to that office." The coroner is chosen for life, but may be removed either in consequence of being made sheriff, or by the King's writ *de coronatore exonerando* for cause therein assigned; as, that he is engaged in other business; incapaciated by years or sickness; hath not a sufficient estate in the county, or lives in an inconvenient part of it; and by the statute 25 Geo. II. c. 29., extortion, neglect, or misbehaviour, are also made causes of removal.

The office and power of a coroner is also, like that of the sheriff, at once judicial and ministerial. This is, in a great measure, ascertained by statute 4 Edward I., *de officio coronatoris*, and consists, first, in inquiring, when any person is slain, or dies suddenly, or in prison, concerning the manner of his death, which he must do on inspection of the body; for, if the body be not found, the coroner cannot sit. He must also sit at or near the very place where the death happened, and make his inquiry by a jury of at least 12 persons, from the neighbouring towns. If any be found guilty, by this inquest, of murder or other homicide, he is to commit them to prison for further trial, and is also to inquire concerning their lands, goods, and chattels, which are forfeited; he must inquire whether any deodand has accrued to the King, or the lord of the franchise, and must certify the result of the inquisition (under his own seal and the seals of the jurors), together with the evidence thereon, to the Court of King's

Bench, or to the next assizes. Another branch of his office is to inquire concerning shipwrecks, and certify whether there be wreck or not, and who is in possession of the goods. Concerning treasure-trove, he is also to inquire who were the finders, and where it is, and whether any one is suspected of having found and concealed a treasure; and, if so, to attach him, and hold him to bail upon the suspicion.

The coroner acts ministerially as the sheriff's substitute; for, when just exception can be taken to the sheriff for suspicion of partiality (as that he is interested in the suit, or of kin to either plaintiff or defendant), the process must be awarded to the coroner instead of the sheriff, for execution of the King's writs.

Justices of the Peace. — The next species of subordinate magistrates are the justices of the peace, the principal of whom is the *custos rotulorum*, already mentioned. The Lord Chancellor or Keeper, the Lord Treasurer, the Lord High Steward of England, the Earl Marshal, the Lord High Constable of England (when any such officers are in being), and all the justices of the Court of King's Bench (by virtue of their offices), and the Master of the Rolls (by prescription), are general conservators of the peace throughout the whole kingdom, and may commit all breakers of it, or bind them in recognisances to keep it; the other judges are only so in their own courts. The sheriff and coroner are conservators of the peace within their own county, and either of them may take a recognisance or security to keep it. Constables, tithing-men, and the like, are also conservators of the peace within their respective jurisdictions, and may apprehend actual breakers of the peace, and either detain them to prevent a further breach, or bring them before a justice to inquire, commit, or take bail to answer for the past offence.

The ancient conservators of the peace were appointed in various ways, and were often chosen by the general body of freeholders of the county; but their duties were ministerial, and rather resembled those of modern constables than of justices of the peace, whose office originated in the reign of Edward III. The latter are appointed by the King's commission under the great seal, the form of which was settled by the judges in 1590. This appoints them jointly and severally to keep the peace, and any two or more of them to inquire of and determine felonies and other misdemeanors; in which number some particular justices, or one of them, are directed to be always included, and no business is to be done without their presence, the words of the commission (when in Latin) running thus, "*quorum aliquem vestrum A, B, C, D, &c., unum esse volumus*," whence the persons so named are usually called justices of the *quorum*. Formerly it was customary to appoint only a select number to be of the *quorum*; but now the practice is to repeat the names of all over again in the *quorum* clause, excepting, perhaps, some one person for the sake of form; and no exception is now allowable for not expressing in the form of warrants, &c., that the justice who issued them is of the *quorum*. When any justice intends to act under this commission, he sues out a writ of *dedimus potestatem* from the clerk of the Crown in Chancery, empowering certain persons therein named to administer the usual oaths to him, after which he is at liberty to act. The only qualification seems to be that required by statute

5 Geo. II. c. 11., which makes it necessary that every justice shall have lands to the value of 100*l.* per annum clear of all deductions; if he act without such qualification, he shall forfeit 100*l.*

The office of these justices is determinable — 1st, By the demise of the Crown; that is, in six months after. But, if the same justice be put in commission under the new monarch, he shall not be obliged to sue out a new *dedimus* or to swear to his qualification afresh; nor, by reason of any new commission to take the oaths more than once in the same reign. 2nd, By express writ, under the great seal, discharging any particular person from being any longer justice. 3rd, By a writ of *supersedeas*, which suspends the power of all the justices, but does not totally destroy it, as it may be revived again by another writ, called a *procedendo*. 4th, By a new commission, which virtually, though silently, discharges all the former justices that are not included therein; for two commissions cannot subsist at once. And, 5th, By accession of the office of sheriff, which suspends that of justice.

The power, office, and duty of a justice of the peace depends on his commission, and on the several statutes which have given them jurisdiction in particular matters. His commission empowers him singly to preserve the peace; and, thereby, gives him all the power of the ancient conservators at the common law in suppressing riots and affrays, in taking securities for the peace, and in apprehending and committing felons and other inferior criminals to prison to take their trial. It also empowers any two or more to hear and determine all felonies and other offences, which is the ground of their jurisdiction at sessions; but this we shall treat of more fully when we come to that court.

Constables are of two sorts, high or hundred constables, and petty constables. The former originated in the Statute of Winchester, and are appointed at the court leets of the franchise or hundred over which they preside, or, in default of that, by the justices at their quarter sessions (which is now the usual way); and are removable by the same authority that appoints them. The petty constables are inferior officers of immemorial antiquity in every township, subordinate to the high constable of the hundred. Their office is not distinguishable at this day from that of headborough, borseholder, or tithing man. They are likewise chosen by the jury at the court leet, or, if no court leet be held, appointed by two justices of the peace.

The general duty of all constables, both high and petty, is to keep the King's peace in their several districts; and for that purpose they are armed with considerable powers of arresting and imprisoning, of breaking open houses, and of maintaining the peace by forcible means. Other duties have been from time to time superadded by statute.

CHAPTER IV. — Courts of Justice, Procedure therein, &c.

Sect. I. — *Courts of Justice.*

Having thus briefly specified the officers employed in the administration of justice, we come next to the courts. In England, justice is always administered publicly; and a court of justice, by the common law of the land, is an open court, with no other restriction than those which order, decency, and the due administration of justice, may require. No court of justice can be created but by the King's commission, and there are some, as courts of equity, which cannot now be created by the mere authority of the Crown. In the old courts, which have existed from time immemorial, this origin is presumed, though no record of it now remains, and though there may be reasonable historical evidence that it never in fact existed. The creation of a new superior court by the sole prerogative of the King would, however, be attended with considerable difficulty at the present time; but the erection of inferior ones of known jurisdiction according to the course of the common law, such as a leet or a civil court within a borough, could, it is apprehended, be even now effected without difficulty where no subsisting statute precludes it, and no public or private rights are injured. As it is by the King, as head of the executive, that courts are established, so it is from him that they are considered as deriving their authority. The judges are his representatives, and an offence offered to them is a contempt of his authority.

Some courts have only a criminal, some only a civil, jurisdiction, others both. Some are superior courts, others inferior: the superior courts are the courts of general jurisdiction, as all the courts at Westminster; also the courts of assize, oyer and terminer, and similar sessions; the courts of counties palatine; the ecclesiastical courts at Doctors' Commons, and some other courts, of which the jurisdiction is limited as to matter or locality. The inferior courts are, amongst others, county courts, courts of conscience, courts baron, and borough courts. Some, again, are courts of record; others not. A court of record is one in which the record of the proceedings (which is kept in all courts) is of such high authority, that no evidence will be admitted in contradiction to it as between the parties to that record; and the record itself is enrolled in parchment, and deposited in public archives for perpetual memorial. The courts of equity never enrol their proceedings of record, and are therefore not held to be courts of record.

Every court is provided with apparatus for the discovery of controverted facts, for the application of the law to those facts, and for enforcing the judgment pronounced thereupon. It has, in addition, officers to record its proceedings; to issue its process; and to execute it; and it admits the intervention of certain recognised agents to carry on the proceedings between litigant parties, who though they may not be strictly its officers, are, to a certain extent, under the control of its judges, to whom they are amenable in a summary way for miscon-

duct and malpractice. To this class of persons, whose business it is to advance the ends of justice by securing to each party before the court a full hearing and a most satisfactory discussion of their relative claims and merits, belong counsel, solicitors, attorneys, and proctors. It is the duty of the three latter classes to receive their client's instructions, collect the necessary evidence, and conduct the case through the formal part of the proceedings. They then lay it before counsel, who apply the law to the facts, and, on the hearing, attend at the bar of the court, examine witnesses, and urge such arguments either of law or fact as the case may admit in support of their clients.

Attorneys. — All attorneys of the superior courts, before they can be admitted to practice, must serve a clerkship of a certain length. It is then necessary for them to undergo an examination by a board of examiners appointed for the purpose; upon their admission, which is made by a formal entry on the rolls or books of the court, they become, in all respects relating to their professional duties subject to its authority and control. In a case of extreme misconduct, the court in which they are admitted will cause them to be struck off the rolls; after which they can no longer legally practise in it. When admitted to practise in the Court of Chancery, they are termed solicitors. The corresponding officers of the ecclesiastical and admiralty courts are called proctors.

Barristers, strictly speaking, are not officers of the courts. It is perhaps in the discretion of the judges to permit whom they please to practise in their respective courts; but long established custom sanctions the admission of none but such as are members of one of the Inns of Court.* It is in these that the ceremony of calling to the bar takes place, after which the admission to practise in court is a matter of course. The only qualification required for being called, is, that the candidate should have kept a certain number of terms. Hitherto five years have in all cases been necessary, unless the candidate were of the degree of M. A. of one of the universities, in which case three were sufficient; by a late regulation, however, in some of the inns, any member may be called at the end of three years, if then of the age of twenty-five. No examination is now required, except in one. The terms are kept by the student's dining a certain number of times in the hall of the inn to which he belongs. If a barrister misconduct himself in the course of his profession, he may, it would seem, be silenced by the judge of the court in which he appears, and is subject to certain pains and penalties now disused. He may also, for good reason, be disbarred by the society of which he is a member.

Barristers, hitherto, have been divided into two degrees: utter barristers (now called, simply, barristers) and serjeants-at-law. Serjeants are sworn to do their duty to their clients; a duty which is equally incumbent on a barrister under the degree of serjeant, though not expressly required of him on admission. It is the practice to

* The Inns of Court, of which there are four, viz. the two Temples, Lincoln's Inn, and Gray's Inn, are not chartered or incorporated, but private societies, in existence as early as the 13th century, for the education of lawyers, and over which the judges have a control as visiters. Originally, attorneys, as well as barristers, seem to have belonged to them; they are now confined to the latter.

admit the judges to this order on their elevation to the bench. From the most eminent of these some are usually selected to be the King's counsel and King's serjeants, the two principal of whom are called his Attorney and Solicitor-General; the King's counsel have precedence, and a place within the bar, as it is termed, immediately in front of the bench; but this advantage may be given by royal patent without being one of the King's counsel. The Queen has also her Attorney and Solicitor-General, who sit with the King's counsel.

The number of practising barristers at present resident in London may perhaps be estimated at upwards of 1,000; attorneys are far more numerous, and, including country practitioners, amount to many thousands.

Barristers do not now, as formerly, practise indiscriminately in all the courts; the common law courts have one bar; the courts of equity another, which seldom interfere with each other. Others are not in the habit of appearing in any court, but are employed in drawing settlements, conveyances, and other instruments. These are termed *Conveyancers*. For this purpose, however, though usual, it is not essential, to be called to the bar.

The judicial functions differ in the different courts; in some, the same person is at once judge of law and fact; in others, the cognisance of law and fact is divided between a judge and a jury; the judge deciding matters of law, the jury matters of fact. The courts of equity, the ecclesiastical and the admiralty courts, which are framed upon the model of the Roman civil law, are of the first description; the common law courts of the latter. For this reason we shall defer speaking of the judges, until we come to speak of the courts in which they respectively preside.

Courts of Law. — Sir W. Blackstone divides the courts of justice in England into such as are of a public and general jurisdiction throughout the whole kingdom, and such as are only of a limited jurisdiction in certain parts of it. Of the former, there are, 1st, the courts of common law; 2dly, the Privy Council; 3dly, the courts of equity; 4thly, the Court of Bankruptcy; 5thly, the Court for the Relief of Insolvent Debtors; 6thly, the ecclesiastical courts; and, 7thly, the courts maritime.

1. The principal permanent Courts of Common Law are, the House of Peers, the Court of Chancery in one of its departments, the Exchequer Chamber, the Court of King's Bench, the Court of Common Pleas, and the Court of Exchequer.

The House of Peers possesses at once a civil and a criminal jurisdiction; as a court of the former description, however, it is a court of appeal or error only. In criminal cases it has, moreover, jurisdiction to try high offences and misdemeanors upon impeachment by the Commons, and also treasons or felonies committed by persons having privilege of peers. The Court of King's Bench is a court both of civil and criminal jurisdiction; as a criminal court, however, it has no original jurisdiction, except over offences committed in the county in which it sits for the time being, and misdemeanors brought before the court by criminal information. The courts of Common Pleas and Exchequer have a civil jurisdiction only.

2. The jurisdiction of the Privy Council, as remodelled by a late statute, is chiefly appellate, and confined to colonial cases. It is founded on the ancient jurisdiction of the King in council.

3. The Courts of Equity: the chief of these is the Court of Chancery, together with the courts of the Master of the Rolls and Vice-chancellor; the equity side of the Exchequer; and, as a court of appeal, the House of Lords. 4. The Bankrupt Court, with the subordinate courts of the Commissioners of Bankrupt. 5. The Court for the Relief of Insolvent Debtors, entirely founded on statute. 6. The ecclesiastical courts, which, though local, prevail systematically throughout the kingdom, each ecclesiastical division having its own; thus there are the provincial courts, the diocesan courts, and the archdeaconry courts, with several inferior ones, which, at present, need not be mentioned: and, as an ultimate court of appeal, the Privy Council. And 7. and last, the admiralty courts.

The principal courts of limited jurisdiction are the courts of the counties palatine of Chester, Lancaster, and Durham, and the courts of the two Universities of Oxford and Cambridge, together with many others scattered through various parts of the kingdom, too numerous to notice. Almost every corporate town, indeed, has some privileged court of its own; thus, London has its Mayor's and Sheriffs' courts; and its Court of Requests for the recovery of small debts; Bristol, its Tolsey Court; and Liverpool, its Court of Passage. No general rule can be laid down in respect of these courts, each depending for its jurisdiction and constitution on the peculiar terms of the charter, statute, or custom by which it subsists: they form, indeed, rather exceptions to the general system, than parts of it. In our subsequent remarks, therefore, we shall confine ourselves to the courts of the former class: to attempt a detailed account of the latter would necessarily carry us beyond the limits prescribed for the present article, and be useless and uninteresting to the general reader.

Even the courts of general jurisdiction at first sight perplex the reader, and present various anomalies. The courts of equity, for instance, at this day of the highest judicial authority in the kingdom, are not courts of record, while the most insignificant local court leet claims to be so. So the owner of property whose title is denied in the Common Pleas, receives countenance and support from the Chancellor. Upon these peculiarities it may be observed, that the judicial system of the country did not spring at once from the mind of the legislator in all the fair proportion of design; it is the work of various times and hands, made rather to meet the necessities of the occasion, than framed according to any regular plan. To use Sir William Blackstone's simile, it resembles an old house which has been pulled down and altered and added to, to suit the habits or convenience of successive proprietors. As civilisation advances and the increasing or varying wants of a nation render it necessary, improvements and additions are made without aiming at symmetry, or attempting to give the heterogeneous mass the appearance of order and regularity. This has been the case with the courts in England: we have the leets and county courts of the Saxons; the Exchequer of the Normans; the Chancery of the Lower Empire, and the consistorial courts of the Canonists. Some have originated in necessity, others owe their exist-

ence to accidental circumstances; some seem to be united together in a general system, while others, from change of time and circumstances, have become altogether useless and obsolete. We shall here briefly point the origin of each.

The first judicial system with which we are acquainted, as existing in England since the Romans, is the Saxon. We have, indeed, very scanty means of ascertaining its precise nature, though it seems to have possessed no inconsiderable merit, and was certainly in much favour with the people who were subject to it. Under the Saxons, England was for the most part divided into shires, hundreds, and tithings, townships, or vills. These different divisions had each its peculiar courts and officers; justice was administered between parties in the county and hundred courts, and in the courts of such lords as possessed jurisdiction annexed to their lands. An appeal lay for denial of justice to the King and his council; but no man was permitted to seek justice from him till he had failed in obtaining it at home. We have no satisfactory evidence of the composition of these courts, but we know that they possessed an ecclesiastical as well as a civil and criminal jurisdiction: the bishop and the earl or ealdorman, we are told, sat together until the attendance of the former was forbidden by a law of the Conqueror.*

The same tribunals for administering justice were continued for several reigns after the Conquest, though changes were made in the formation of the superior courts. The first improvement introduced, if not by the Conqueror, at least by the Norman princes, was the institution of a court in imitation of the Exchequer established in Normandy. A court called the *Curia*, or *Aula, Regis* also appears very early in the history of those princes, and its rolls are among the most ancient judicial records in the archives of this country. The precise period when this court became a court of judicature distinct from the Great Council cannot now be distinguished; but in the 12th century we find the practice established of issuing writs out of Chancery, at the suit of parties, for the purpose of enabling them to implead in that court without previous recourse to the subordinate tribunals. The jurisdiction of the *Curia Regis* embraced both civil and criminal proceedings, and was attendant on the person of the King. But the Great Charter, by fixing the common, or civil pleas to a certain place, necessarily detached them from the criminal judicature, and led to the formation of a separate court afterwards called the Court of Common Pleas. At length, in the reign of Edward I., we find the whole judicial establishment subdivided and remodelled, and the three courts of the King's Bench, Common Pleas, and Exchequer, distinguished respectively as courts of criminal, of civil, and of fiscal cognisance.† At the present day these distinctions have been almost obliterated; and the three, in most civil cases, possess a concurrent jurisdiction. Until very lately, indeed, this was effected by a fiction: thus, every one bringing his action in the Court of Exchequer acknowledged himself a debtor to the King; and, in like manner, in the King's Bench, every one bringing a civil action was obliged to

* See *Edinburgh Review*, No. lxix. p. 10. 1 *Reeve's English Law*, 7, 8.

† 1 *Reeve's English Law*, 48. *Madox, Exchequer*, c. 3. and 19.

charge the person against whom he brought it with some offence against the Crown. But civil pleas between party and party in personal actions are now equally cognisable in all by uniform process, although each still retains its peculiar jurisdiction over certain pleas. Thus, the King's Bench alone maintains its pleas of the Crown; the Common Pleas its real actions (so far as they remain in force); and the Exchequer a certain exclusive authority on matters of revenue. This last court has, in addition, an equitable jurisdiction.

The courts of Assize and Nisi Prius, in their present form, owe their existence to the same monarch. Previously to his time, circuits were made by justices in eyre, or *itinere*, who were regularly established, if not first appointed, by the Parliament of Northampton, in 1176 with a delegated power from the King's Great Court, the *aula regis*, of which they were members. At first, these justices made their circuits round the kingdom once only in seven years; but afterwards, by the *Magna Charta*, they were required to be sent into every county once a year. The present justices of assize, however, are more immediately derived from the statute of Westminster 2., 13 Edward I., which directs certain persons to be assigned out of the King's sworn justices, who are to associate with them one or two discreet knights of each county.

These are the principal courts known by the name of the Common Law Courts. They are, for the most part, similarly constituted; and their proceedings all recognise and adopt the ancient common law of the land. The courts we come now to speak of are of an entirely different description, differently constituted, and professing different rules of law. They may be divided into two classes, which vary considerably from each other, as they both do from those already mentioned, — the courts of Equity and the courts regulated by the maxims of the Canon and Civil Law. The courts of Equity were, perhaps, rendered necessary by the defects and inadequacy of the common law, though they profess to act in its spirit, and to aid its operation. The ecclesiastical and maritime courts, on the other hand, may be considered as existing rather in derogation of the common law than in support of it.

The peculiar jurisdiction of Equity, its origin and growth, have been matter of very curious and learned inquiry; but all authorities seem to agree in the opinion that there are few evidences of its existence before the 15th century, and that its present form must be referred even to a later period.

The fiduciary system of the Roman law, adopted by the clerical chancellors for the purpose of modifying the system of the feudal tenures, appears to have given rise to the earliest instances of a jurisdiction purely equitable.

The hardships of military tenure were severely felt, and the people were at length driven to devise various means to evade it. The feudal tenant conveyed his property in due form to two or three persons, on whose faith he could depend, who were ostensibly and in the eye of the law the owners, but who (it was privately understood between them) were to allow the person who had so conveyed his property to them to enjoy and dispose of it as he pleased. Whenever any of them died, the property according to the rules of the common law went to

the survivors; a new trustee was then appointed in the place of the one dead, and the others conveyed the property jointly to him with themselves: thus a constant succession was kept up. By this means no fines ever accrued to the lord on the admission of an heir; a person entitled was always in existence: neither was there any minority, during which the right of the lord could accrue to enter and take possession of land held of him without accounting for the profits. Another advantage was, that the person beneficially entitled was enabled to devise or alienate his property at any time, and that, too, without the ceremonies required by law: he had only to signify to his trustees the person to whom he wished to leave or transfer the property, and thenceforth they held it in trust for him. There existed, however, no obligation beyond a moral one on the trustee to perform the trust; if he refused, the person who had confided in him had no redress. The common law courts refused to interfere: the law required certain formalities to invest a person with the possession of his property, and these had not been complied with: however just it might be that the person on whom his friend had relied should perform his trust, still it rested solely between him and his conscience, — there was no power to compel him. At length the Chancellor, who, being an ecclesiastic, asserted a peculiar right to interfere in matters of conscience, and not, perhaps, disinclined to seize an opportunity of aggrandising his power by creating a new jurisdiction, issued a writ summoning the party who had committed the breach of good faith to appear and answer for it in the Court of Chancery. It was out of this court, it must be remembered, that all writs issued with which proceedings commenced in the higher courts of justice; and, in those early times, it frequently happened that the Chancellor not only had to issue, but, in cases where no precedent could be found, to invent writs so framed as to give relief on new emergencies. The *subpœna* has been thought to be a forced exercise of this power.

In after times, the court, as we shall see, very much widened the scope of its jurisdiction; but this has been considered its origin.*

It was not, however, without considerable opposition that this new assumption of power by the Court of Chancery was established; numerous petitions were, from time to time, presented by the Commons to have the writ of *subpœna* declared illegal. The court, however, retained its jurisdiction, and the petitions of the Commons were ineffectual.†

In consequence of this jurisdiction of the courts of Equity, the strange anomaly exists, — that in Westminster Hall, within the space of a few yards only, different persons are regarded as the owners of the same estate. In the courts of Equity, the *cestui que trust* is treated as actual owner; in the courts of common law, the title of the *trustee* only is recognised.

In early times, the office of Chancellor was invariably held by

* The above are the views of Sir W. Blackstone respecting the origin of Equity; but another, and perhaps sounder, opinion derives this jurisdiction from the *concilium regis*. See *Hale's Jurisdiction of Lords*, p. 44. *Palgrave on the Council*, p. 40, *et seq.*

† 3 *Reeve's English Law*, 188.

churchmen. Sir Thomas Moore was the first Chancellor educated as a lawyer. After him, the seals seem to have been held by lawyers and churchmen indifferently. The credit of forming our present system of equity jurisprudence, and of fixing the limits of the jurisdiction, is, in general, ascribed to the Earl of Nottingham, Chancellor in the time of Charles II. In practice, however, the decisions of Lord Hardwicke are, perhaps, most frequently referred to. In the chancellorship of Lord Ellesmere, in 1616, occurred the famous question between the courts of law and equity, whether a court of equity could give relief after or against a judgment at law. The question was submitted to the King who referred it to his learned counsel for their opinion. They decided, as is well known, in favour of the courts of equity; and their power has ever since been acknowledged.

The reader must carefully distinguish between the Court of Chancery as a court of common law, and as a court of equity. Formerly its powers were chiefly active in the former branch of its jurisdiction, which was, and still is, called the *Latin* side, because its proceedings on this side were in Latin, like those of other common law courts. In modern times, its equitable jurisdiction, carried on by *English* bill and other comparatively recent methods of procedure, has attained a degree of importance that has thrown into obscurity its other and earlier functions.

It may not be out of place to observe here, that the distinction just adverted to between the use of Latin and English, as employed by the courts of common law and of equity, continued with no intermission, except during the Commonwealth, until the year 1730, in which year an act passed for the enrolment of all pleadings in English.

The courts next to be mentioned are the *Ecclesiastical Courts.* In the Saxon times, as already mentioned, both civil and ecclesiastical causes were brought before the same tribunal. William, however, soon after the Conquest, either from a wish to conciliate the Church, or from a fear that churchmen might engross the whole authority in the ordinary courts to the exclusion of laymen, separated the two. The ecclesiastics were thenceforward allowed to have exclusive cognisance in all matters relating to the Church or in which its ministers were concerned, with the exception of criminal cases. In subsequent reigns, and particularly under the weak dominion of Stephen, attempts were made by the churchmen to extend their jurisdiction to criminal matters; and it was not until the constitution of Clarendon, 1164, that their pretensions were disallowed. The articles of that constitution declared, among other things, that all clerks summoned to answer for a crime should come before the King's justices; that, if convicted, the Church should afford them no protection; that ecclesiastics should not quit the realm without the King's license; that all causes not ecclesiastical should be determined in the King's courts; and that even in ecclesiastical causes no appeal should proceed beyond the Archbishop's Court without the King's assent.*

The boundaries of ecclesiastical and temporal jurisdiction were long the subject of dispute; but the writ of *prohibition*, issuing out of the

* See the articles at length, in *Littleton's Life of Henry II.*

latter courts, checked the usurpations of the former, and at length curtailed their powers within moderate and well-defined limits.

The Court of Admiralty was rendered necessary as England became a commercial nation: its institution is ascribed to Edward III. Necessarily involving, as it did, the wider principles of jurisprudence and international law, it was established, not improperly, on the model of the civil law.

The Bankruptcy Courts and the Court for the Relief of Insolvent Debtors, are courts which, in like manner, have been called into existence by the wants of the nation. The former have been remodelled by an act passed in the 1st and 2d year of the late King, William IV. The first establishment of a court for the relief of insolvent debtors appears to have been by an act passed in the reign of Geo. III.

From the preceding sketch it will be seen, that the subjects of this country are governed by at least three systems of law simultaneously administered through the medium of different courts: the civil or canon law; the law of chancery or equity; and the common law. Each yields to the other an exclusive jurisdiction within its peculiar sphere, while the common law asserts its claim to pre-eminence by exacting from the others a general subordination to its own maxims. Thus, it has become a rule that "Equity follows Law;" and where the spiritual court deviates from its jurisdiction, or attempts to impugn a principle of the common law, a prohibition from one of the superior courts of Westminster reduces it to obedience.

The common law is the general and immemorial custom of the kingdom, and is emphatically the law of the land. Other laws only prevail by permission, and bear no relation to the general policy of our institutions. Of the origin of the common law no record remains. Hence it is called *lex non scripta;* not as being founded on the universal law of reason, but as being traditional only and not founded on any known acts of the legislature. It rests on the decisions of the judges registered in the different courts, and preserved among their records. In matters of importance and nicety these original records are referred to; but, for ordinary purposes, *Reports* of the different cases in which any new question arises are printed and published from time to time. The reports contain a statement of the facts, a short outline of the arguments made use of by counsel, the authorities referred to, and the decision of the court. In early times, that is, from the reign of Edward II. to that of Henry VIII., these reports were made by officers appointed by the court specially for the purpose, and were then termed Year-books. At the present day they are the work of a private hand, generally a barrister. So voluminous have they become, that an ordinary law library contains from 300 to 400 volumes, and every year adds three or four more, exclusively of the reported cases in equity and the ecclesiastical courts. The common law is continually undergoing alteration by acts of parliament, which thenceforth become the law of the land. It prevails in all the common law courts with the exception of those which are regulated by peculiar local customs of their own, differing, more or less, from the general common law of the kingdom. Particular customs are also to be met with in certain districts, as the law of gavelkind in Kent, borough English, the customs of manors, of the

stannaries, and other local usages. The courts of equity, in a great measure, profess to adopt wider and more liberal principles of justice; but like the courts of common law, they are now chained down by the precedents of previous decisions, of which minutes are kept and reports made, as at common law. It is only when a new point arises, that a judge, either of law or equity, can exercise any latitude of decision; and, even then, he must be guided by existing principles of equity, and by the general analogies of law; this, indeed, is the meaning of his oath to decide "according to law."

The *ecclesiastical laws* derive their origin from the authority exercised by the Church in the different states and kingdoms of Europe; and are founded, for the most part, on the civil and canon law of Imperial and Papal Rome. The canons of the Church are said to have been adopted in England as early as the seventh century; but the system of laws at present in force depends upon the decretals and constitutions compiled and promulgated under the influence of successive councils and popes at various periods. In England, where the canon law has been considered in many points repugnant to the common law of the land, its authority has been restrained within narrow limits. So much of it only has been received as has been gradually accommodated to the habits and customs of the country; and the ecclesiastical laws may now be described, in the language of our statutes, as "laws which the people have taken at their free liberty by their own consent to be used among them, and not as the laws of any foreign prince, potentate, or prelate."

Present State of the Courts.—We now proceed to give a short outline of the several courts, as they at present exist, omitting those only which, though not formally abrogated, have fallen into disuse. The first in order are the Common Law Courts, which, as we have already said, are susceptible of a two-fold division, viz., into such as have a civil, and such as have a criminal, jurisdiction. Many of them, indeed, have both; but as the same court differs materially in its civil and criminal capacities, we shall, for the sake of clearness, consider them separately.

SECT. II. — *Courts of Civil Jurisdiction.*

1. *House of Lords.*—The House of Lords, under the technical name of the Court of our Lord the King in Parliament, is a court of record and the highest court of judicature in the kingdom. Its constitution has been already described. It possesses at once a civil and a criminal jurisdiction: in its latter capacity it will be considered hereafter. As a civil court it has an appellate jurisdiction only, to rectify any erroneous judgment of the courts below on matters of law. In the execution of this duty, the Lords never receive any additional evidence, whether they sit on error from the common law courts, or on appeal from a court of equity.

The paramount jurisdiction of the *Magnum Concilium* under whatever name subsisting, from the most ancient periods of our history, has been already adverted to. The judicature of the Peers is the legitimate descendant and representative of this great council of the

King in Parliament. A question may suggest itself to the reader, by what means this ultimate and supreme authority of the *Parliament* became vested exclusively in one only of its constituent bodies, the House of Peers? It must suffice to reply, that this question *has*, in fact, frequently occurred to our ancestors, and has been the subject of warm contest between the two houses; nor was it, until comparatively late times, that the judicature of Parliament was finally settled to be the exclusive inheritance of the Lords. The reader, who is curious to pursue the inquiry, will be abundantly satisfied by resorting to the learned treatise of Lord Hale on this subject, with the introductory observations of Mr. Hargrave.

This house is now, therefore, in all cases the last resort, and from its judgment there is no further appeal. Every subordinate tribunal must conform to its determinations. The Lords sit in the morning for the hearing of causes, when it is the constant practice for some of the law lords to attend, usually the Chancellor, or, in his absence, one of the deputy speakers. The appellate jurisdiction of the House of Lords over the courts of common law is only exercisable, it is to be observed, upon writs of error. The method of proceeding in this, as well as the other courts, will be spoken of hereafter.

2. *Judicial Committee of the Privy Council.*—The Council has always exercised very extensive judicial functions, both original and appellate; but the secrecy of its proceedings, and the undefined limits and irregular exercise of its authority, long rendered its jurisdiction the object of well grounded distrust and suspicion.* The Star Chamber and Court of Requests, dissolved in the reign of Charles I., were offsets of this council.† In its former records are to be found the most startling deviations from the maxims and principles of the common law of the realm.‡ Since the Revolution, however, the proceedings of the Privy Council have been confined within known and reasonable limits; its decisions in matters affecting the rights of the subject have been openly promulgated, and it has lately undergone material amendment by the erection of the judicial committee. This court was established, or rather was remodelled, by an act passed in the 3 & 4 William IV., which provides that the President for the time being of the Privy Council, the Lord High Chancellor, and such of the members of the Privy Council as shall from time to time hold any of the offices following,—viz. the office of Lord Keeper or First Lord Commissioner of the Great Seal, Lord Chief Justice or Judge of the King's Bench, Master of the Rolls, Vice-Chancellor of England, Lord Chief Justice or Judge of the Court of Common Pleas, Lord Chief Baron or Baron of the Court of Exchequer, Judge of the Prerogative Court of Canterbury, Judge of the High Court of Admiralty, and Chief Judge of the Court of Bankruptcy,—and also all persons, members of the Privy Council, who shall have been President thereof, or held the office of Lord Chancellor or shall have held any of

* As a court of common law, it has not been recognised by our constitutional lawyers; see *Hale's Jurisdiction of the Lords*, p. 5. See, however, *ibid.*, p. 37.

† *Palgrave on the Councils*, p. 38. 90.

‡ See *Jardine on the Use of Torture*, ed. 1837.

the abovementioned offices, shall form a committee of his Majesty's said Council, and shall be styled "The Judicial Committee of the Privy Council;" reserving, nevertheless, power to his Majesty to appoint any two other persons, being Privy Councillors, to be members of the said committee. The court thus formed has succeeded to the jurisdiction of the Privy Council, with increased powers. The matters which come before this court are chiefly the following:—appeals from the Ecclesiastical Courts, formerly tried by the delegates; from the Admiralty Courts in civil causes; from the decisions of the various courts of judicature in India, the Colonies, and the Channel Islands; matters of appeal and petition to his Majesty, which previously used to be heard before a committee of the Privy Council appointed for the purpose; petitions for the renewal and confirmation of patents; together with the consideration of all matters whatsoever which his Majesty shall deem it fit to refer to them. No matter, however, can be heard except in the presence of four members. The committee is expressly empowered to examine witnesses *vivâ voce*, or on written interrogatories, as they may think fit; and the necessary powers are given for compelling the attendance of witnesses, and the production of deeds and papers. The court may also, if it think fit, direct a cause to be reheard in the court below, or a feigned issue to be tried upon any matter of fact in the common law courts. It may also refer any question to its registrar to investigate, in the same way that the Court of Chancery does to one of its masters. The method of proceeding in this court is by petition addressed to the King in council.

3. *The Court of Chancery.*—The authority of Chancery, as a court of common law, has been already slightly alluded to (*antè*, p. 143.). One of the most important duties of the chancellor was the issuing of all *original writs*, for the purpose of giving jurisdiction to other courts, in matters between party and party. In this character, it has been entitled the *Officina Brevium*. Proceedings in *scire facias* with a view to the repeal of any charter or letters patent of the Crown, are also instituted in this court on the common law side. Some other examples of its common law jurisdiction might be mentioned; but as its exercise is now of comparatively rare occurrence, they are omitted. It has not, nor ever possessed, the power of trying any issue of fact by a jury, but always remits it for trial to one of the other superior courts at Westminster. It should be observed, too, that the issuing of original writs has been much contracted by the new Process Act, which has given to each superior court the power of issuing a process of its own for the purpose of commencing all personal actions.

4. *The Exchequer Chamber.*—The next court in point of dignity is the Exchequer Chamber, which is also a court of record; it has an appellate, but no original jurisdiction. As originally constituted, it consisted of the Lord Chancellor and Lord Treasurer, taking unto them the justices of the King's Bench and Common Pleas; and the court so constituted still exists for some purposes. But the Exchequer Chamber, as an ordinary court of error, has been newly modelled by a late act of the parliament, by which it has now an appellate jurisdiction over all the three courts at Westminster. As

now constituted, the court, in cases of error from either of the three superior courts of common law, consists of all the judges of the other two.

5. *King's Bench, Common Pleas, and Exchequer.* — These are all courts of record. The highest of the three, in point of rank and jurisdiction, is the Court of King's Bench. In former times the King sate in it in person; and, if required, it would, even now, be obliged to be attendant on his person, wheresoever he might be in England; nor are early instances wanting of its having sat out of the realm. It has, however, been long stationary with the other two; and the King, though he may still perhaps have a right to be present, can no longer lawfully interfere in the proceedings. James I. is said to have been the last who made the attempt. The Court of Common Pleas ranks next to the King's Bench: it was, as previously stated, originally confined to pleas between subject and subject, though it has now obtained a somewhat more extended jurisdiction. An express provision of the *Magna Charta* made it stationary at Westminster. The Court of Exchequer originally was devoted exclusively to matters connected with the King's revenue, but it has long since become an ordinary court of justice.

In their constitution, these three courts very much resemble each other. In each there are at present five judges, viz. a chief and four puisne judges—in the Exchequer styled barons—with sundry inferior officers to conduct the formal part of the business. The number of judges in each court has often varied: there were usually four in each. The Lord Treasurer and Chancellor of the Exchequer in strictness are members of this court, but have ceased to sit in it judicially.

The judges are selected from the bar, and must be of the degree of serjeant. They receive their appointment from the King; but, when once appointed, are altogether independent of him, being then removable only upon an address from both houses of parliament: their commission is not now, as formerly, *durante bene placito*, but *quam diu se bene gesserint;* and their salaries are fixed by the legislature. This was effected by a statute passed in the 12th and 13th of William III., further confirmed and extended by the 1st of George III., when his Majesty was pleased to declare "that he looked upon the independence and uprightness of the judges as essential to the impartial administration of justice; as one of the best securities of the rights and liberties of his subjects; and as most conducive to the honour of the Crown." By the latter statute it was also enacted, that the commissions of the judges should continue notwithstanding the demise of the Crown. Any complaint against the judges for misconduct in the execution of their duty must be preferred to parliament; no ordinary tribunal can take cognisance of it.

These three courts sit *in banc*, as it is termed, at Westminster, for transacting business every day during term. The terms are four in number; and were framed by our ancestors, partly as marking the periods of the year when secular business might be transacted without interfering with religious duties, and partly with a view of avoiding the time when the people might be supposed to be engaged in necessary agricultural pursuits. They depended, in a great measure, on the moveable feasts. By a late act, however, they have been

fixed, with some variation in consequence of the Easter holidays, as follows: —

Hilary Term	begins	January	11th,	ends January	31st.
Easter Term	—	April	15th,	— May	8th.
Trinity Term	—	May	22d,	— June	12th.
Michaelmas Term	—	Nov.	2d,	— Nov.	25th.

The business of the judges is not, however, confined to their attendance upon their respective courts at Westminster. During vacation fourteen of them travel on the circuits, the other remaining in the metropolis to transact casual business. Besides this, during term a puisne judge attends every day at chambers in Serjeants' Inn. Two judges have to attend the New Central Criminal Court, and two must also attend to private bills, from twenty to thirty of which are usually referred to them in the course of a session. To this may be added their attendance in the House of Lords and on special commissions. They are, moreover, required occasionally to sit on judicial committees of the Privy Council, and to decide on appeals against tax assessments. When to these various and onerous duties are added the time necessarily consumed in investigating cases, preparing judgments, arranging minutes, &c., the reader, we think, will agree with us in the conclusion that the office of a judge is by no means one of light labour.

In the common law courts the judicial power is not vested exclusively in the judges; whenever the truth of any fact is in issue, it must be decided by a jury, who are in truth the *judges of fact.*

Juries. — Juries are of two kinds, grand and petty. The grand jury is confined exclusively to criminal courts, and will be considered when we come to speak of them. The jury we are now to consider is the petty jury, which is now the general and almost universal instrument for the investigation of truth in the common law courts, whether criminal or civil; though in the latter it is usually known by the name of the *common* jury, to distinguish it from the *special.* It consists, in civil cases, of twelve "free and lawful men," who must be taken from the body of the county in which the cause of action, or the *venue,* as it is termed, is laid. The jury process in crown cases usually styles them "honest" or "good and lawful men."

With the exceptions hereafter specified, the following persons are qualified to serve on juries for the trial of all issues, civil and criminal, in the King's courts at Westminster, and at the assizes, and on grand and petty juries in the courts and sessions of the peace, in the county, riding, or division, where they respectively reside. [6 Geo. IV. c. 50.]

1. Every man between the age of 21 and 60 years residing in England, having, in his own name, or in trust, 10*l.* *per annum,* of clear yearly income, arising from lands and tenements, whether freehold, copyhold, customary tenure, or ancient demesne, or rents issuing thereout in fee simple, fee tail, for his own or other person's life, or such income or rents jointly issuing, amounting together to the clear yearly value of 10*l.*

2. Every man having 20*l.* a year clear from lands or tenements held by lease for 21 years or upwards, or for any term determinable on any life or lives.

3. Householders assessed to the poor rate, or to the inhabited house duty, in the county of Middlesex, on a value of 30*l.*; in any other county, 20*l.*

Lastly, Persons occupying any house containing not less than 15 windows.

Persons residing in Wales are eligible to serve on juries who are qualified to the extent of three-fifths of any of the foregoing qualifications.

The following persons are exempt from serving on all juries and inquests whatever: — Peers, judges, counsellors, attorneys, proctors, coroners, gaolers and keepers of houses of correction; clergymen in holy orders; Roman Catholic priests, having taken the oath required by law; dissenting ministers, whose places of worship are registered, and who follow no secular occupation, except that of schoolmaster; officers of the army and navy on full pay; physicians, surgeons, and apothecaries, duly licensed and actually practising; servants of the royal household; pilots licensed, and masters in the buoy or light service; officers in the customs and excise; officers of courts of justice actually exercising the duties of their offices; sheriff's officers, high constables, and parish clerks. It was also resolved, in the session of 1826, that members of the House of Commons are privileged from serving on juries while attending their duties in parliament.

No man, not being a natural born subject, is qualified to serve on juries or inquests, except on the trial of aliens; nor any person convicted of any infamous crime, unless he have obtained a free pardon; nor any man under sentence of outlawry or excommunication.

No justice shall serve on any jury at the sessions, for the jurisdiction of which he is a justice.

After serving and obtaining the sheriff's certificate, persons are free from again serving on juries for certain periods; in the counties palatine, or the principality of Wales, or in Hereford, Cambridge, Huntingdon, or Rutland, for 1 year; in the county of York, for 4 years; in any other county, except Middlesex, 2 years.

No one is qualified to serve on a sheriff's or coroner's inquest, upon a writ of inquiry, who is not qualified to serve on a *nisi prius* jury: but this does not extend to inquests taken *ex officio;* nor to any city, borough, liberty, or town corporate, in which the usual custom of the place must be observed.

The method of forming the jury lists is as follows: — In the first week of August in every year the clerk of the peace for the county, riding, or whatever the district may be, issues his warrant to the high constables of the different hundreds, or other subdivisions, directing them, in like manner, to issue their precepts to the churchwardens and overseers of the different parishes, requiring them to make out, before the first week of the September following, lists of all such persons within their respective parishes as are qualified and liable to serve. These lists, when made out, are fixed on the church door the 3 first Sundays in September, and copies are kept by the churchwardens and overseers for inspection. The lists are then revised by the magistrates at a petty sessions held for the purpose, when objections may be made

by any person who thinks himself improperly inserted; after which they are transmitted to the high constable, who gives them at the next general quarter sessions to the clerk of the peace, to be by him placed among the records. A copy, however, is first made out in a book, which is called the jurors' book, and delivered to the sheriff. Out of this book the sheriff copies into another list, which is termed the special jury list, the names of all such as are described as esquires, or as persons of higher degree, or as bankers and merchants. The book and the list so made out come into use on the 1st of January in the succeeding year, and from them the sheriff selects his juries for the different courts, as occasion requires: from the former the common, and from the latter the special juries.

When a jury is required, writs issue to the sheriff directing him to summon one; and the sheriff thereupon issues his summons to the jurors, who must appear at the place of trial, pursuant to their summons: if they do not, they may be fined. At the trial, the names of the jurors, if common, are written on separate pieces of card or parchment, and put into a box, out of which they are drawn one by one, when either party is at liberty to object.

The court may, on the application of either party, order a *special jury* to be returned. The method of selecting a special jury differs in some respects from that of choosing a common jury. When a special jury is required, a time is appointed previous to the trial, for both parties to attend the under-sheriff, when he copies from his special jury list the names of such as appear there, on separate pieces of parchment and puts them into a box, from which they are drawn one by one, in the same manner as in the case of a common jury: each party being at liberty to make objections. If any be objected to, that name is passed over, and another is drawn, and so on until the number of 48 is completed. If 48 names cannot be obtained from the special jurors' list, the officer shall fairly and indifferently take such a number of names from the common jurors' list as will make up that number: the officer then furnishes each party with a list of the names, places of abode, and additions of the jurors, and the parties meet again by appointment on a subsequent day, and respectively strike off 12. The remaining 24 are then returned upon the panel: if any of these are absent on the trial, *talesmen* to complete the number may, at the prayer of the parties, be taken from the common jury panel. The same jury may try any number of causes; but the court has a discretion, on application from any man who has served, to discharge him from serving upon any other jury during the same assize. The usual allowance made to special jurors is one guinea for each cause tried by them.

It is sometimes thought advisable that the jury should view the premises in question; in such a case the process directs the sheriff to have six or more of the jurors (who must be previously agreed on by the parties, or, in case the parties cannot agree, be nominated by the sheriff) at the place in question a convenient time before the trial, in order to inspect it; and it is to be shown them by persons acquainted with the locality. The sheriff, in his return to the process, must mention the jurors to whom the view has been given and they must be of the jury at the trial.

Courts of Assize and Nisi Prius. — These courts, as well as those already mentioned, are courts of record; they are held in every county twice in the year before commissioners appointed by the King for the purpose. Justices *in eyre,* that is, itinerant justices, were probably first appointed in the reign of Henry II., and were accustomed to make circuits once in every seven years, for the purpose of trying causes, redressing the oppression of officers, inquiring into usurpations of royal franchises, and other matters. The cycle of seven years was afterwards reduced by the Great charter to one. The justices of Assize were first appointed in the reign of Edward I. The number of the circuits has varied from time to time. At present they are eight in number, including those of North and South Wales. The commissioners appointed to travel the circuit always consist of the fourteen judges at Westminster, two for each of the English, and one for each of the Welsh, circuits; the fifteenth remains in town. They select their respective circuits by private arrangement among themselves. Formerly no judge could travel the circuit which included the county where he was born, but this is not now the case. The commissions under which they derive their authority are made out by the Lord Chancellor for the time being under the great seal, in pursuance of a royal warrant directed to him for that purpose. They are four in number. 1st, a commission of the peace; 2d, of oyer and terminer; 3d, of gaol delivery; 4th, of Assize: the three first are merely criminal. The commission of Assize authorises the justices named in it to try the species of real actions called Assizes; and certain statutes of Edward I. and III. enable justices of Assize to take inquests of *Nisi Prius,* that is, to try causes in which the process for summoning the jury contains the clause of *Nisi Prius.* This clause summons the jury to Westminster, *unless before* the day fixed, the judges of Assize shall come into the county from which the jury are summoned, an event which is always so arranged as to happen accordingly. — There is therefore no *commission* of Nisi Prius, but the judges of *Assize* try records sent to them by *writ* of Nisi Prius. The power of trying at Nisi Prius is, in fact, the consequence of a commission of Assize, and this commission, therefore, still issues twice a year, for the purpose of trials at Nisi Prius, although there are now no assizes to try. From this account it will appear that the courts of Assize and Nisi Prius are in fact one and the same court. A number of counsel, greater or less in proportion to the business of the circuit, usually accompany the judges, and practise in these courts as in the courts at Westminster. All the serjeants on the circuit are joined in the commission, although their assistance is not required, unless there be a great pressure of business. The trial in this court is by jury. The sheriff of each county is the chief ministerial officer for the service of process, and he is bound personally to attend during the continuance of the assizes. Convenient lodgings and a suitable escort are provided by him for the judges at each circuit town.

The two judges sit in different courts; one for the trial of criminal offences, and the other of causes at *Nisi Prius.*

By a very late act of parliament, a power is given to the King in council to vary and to assign the places at which the assizes shall be held.

The following computation of the business, and time occupied, on the different circuits, was given by the Common Law Commissioners, some years ago, in their report on the state of the courts of justice.

Circuits.	Days of Absence of Judges from London.		Average Number of Days actually taken up by Business.		Average Number of Causes.
	Spring.	Summer.	Spring.	Summer.	
Northern - -	44	50	31	34	441
Oxford - -	46	52	28	26	164
Midland - -	35	27	23	18	103
Norfolk -	36	33	19	14	53
Western - -	36	40	23	26	161
Home - -	32	31	22	21	118

The average time consumed on the Welsh circuit is less, perhaps, than on any of the others. It is apprehended, however, that the proportions as well as the whole amount of causes, are now very different.

Two circumstances have tended lately to diminish the number of causes entered for trial:—1st, the introduction of writs of trial by which causes of little value are now tried by the sheriff; 2nd, certain new rules of pleading, promulgated by the courts, have obliged the parties to make fuller statements, upon paper, of the facts relied on by them: the consequence of this has been to narrow the points in dispute, and to refer them to the determination of the courts sitting in banc at Westminster, rather than to a jury at *Nisi Prius.*

On the other hand, the effect of multiplying and altering the circuit towns has been to give increased facilities of trial, and thereby encourage parties to litigate controverted rights.

It is obvious from the nature of the writ of *Nisi Prius*, that it cannot issue into the same county in which the court, issuing it, is sitting. Accordingly, the trial of all issues joined in Middlesex, was anciently at Westminster, and used to be had before the whole court and in term time. But the consequent interruption was so great, that an act was passed in the 18th of Elizabeth, enabling the chiefs of the three courts, or, in their absence, the judges or barons of their respective courts, to sit in term, or within four days after it, in Westminster as justices of *Nisi Prius* for Middlesex, for the trial of such issues as ought, in the ordinary course, to be tried by a jury of that county. This has been since slightly altered by subsequent statutes; and these sittings are now held on certain days during term, and for several days after; the latter are called the *sittings after term.* By the 1st Will. 4. c. 74. s. 34., any one of the judges of the superior courts at Westminster, to whatever court he may belong, is authorised to sit in London and Middlesex, for the trial of issues arising in any such courts. The *Nisi Prius* sittings for Middlesex are held at Westminster; for the City of London, at the Guildhall.

These courts, viz. the three courts at Westminster, and the courts of Assize and *Nisi Prius* in the country, with the Court of Exchequer Chamber, and the House of Lords, as courts of error, are, practically speaking, the only courts of general jurisdiction which dispense

civil justice agreeably to the maxims of the common law. The remaining courts of this class are comparatively unimportant, and need be very shortly noticed.

County Courts. — The County Court is a court incident to the jurisdiction of the sheriff. It is not a court of record, except for the purposes hereafter mentioned, but may hold pleas of debt or damages under the value of 40*s*. The County Court may also hold pleas of many real actions; and, by virtue of a special writ called a *justicies*, (which is an original writ empowering the sheriff to do the same justice in his county court as might otherwise be had at Westminster,) this court has cognisance of all personal actions to any amount. The freeholders of the county are the real judges in this court, and the sheriff is said, in our old law treatises, to be only its ministerial presiding officer. No doubt this was so in the origin of the court and during its greatest activity, when the law consisted of known and simple usages, and the mode of trial was principally that of *law wager*. In those times the body of freeholders were the faithful and only depositaries of the unwritten customs of the nation; and where facts, unknown to the free suitors, were disputed between the parties, the doubt was decided by production of the contested instrument, or by a simple reference to the oath of the defendant. At this day the mode of procedure in the county courts has assumed a different aspect. It has conformed itself, to a certain extent, to the usage of the superior courts, and the sheriff, or rather the professional deputy whom he employs under the name of under-sheriff, now exercises an authority in tthe sheriff's court (whether of inquiry or of trial) in many respects not differing from the functions of an ordinary judge.

Proceedings are removable from the County Court into the King's superior courts, by a writ, termed a writ of *pone* or *recordari facias*, after which the action is commenced *de novo* in the usual manner. After judgment has been given a writ of *false judgment* lies to a superior court at Westminster to review it for error visible on the face of it. It is at this court that all elections by the freeholders of the county are or were made, though the mode of proceeding has in some instances, as that of knights of the shire, been regulated by positive statutes. At this court also, new acts of parliament used formerly to be proclaimed at the close of each session, in order that they might be better known to the people.

It should be observed that when the sheriff executes writs of inquiry to assess damages, or writs of trial under the late act of parliament noticed in another part of this work, he proceeds by the sole authority of the writ directed to him in each particular case: such proceedings form no part of his county court, nor have any connection with it.

The Hundred Courts and Courts Baron. — These courts are so nearly allied to one another that they may be conveniently described together. The Courts Baron are held by lords of manors for their freehold tenants. The steward of the manor presides with the same duties and in the same character as the sheriff at the County Court. Courts Baron were formerly held every three weeks, and their most important business was to determine controversies relating to freehold lands held of the manor. They may hold pleas of personal and other

actions, when the debt or damages do not amount to 40*s*. The lord of a manor, in which there are copyholds, also holds a distinct court for that species of tenants, for the purpose both of determining pleas of land between them and for the alienation of their copyholds. Its business is now confined to the latter object; and the title of copyhold land is contested, as other lands are, by actions in the superior courts.

The Hundred Court is only a larger Court Baron, being held for the inhabitants of a particular hundred instead of a manor. The free suitors are here also the judges, and the steward of the hundred presides. None of these, as courts of justice, have a very active existence at this day, though neither abolished nor entirely disused. None of them are courts of record.

Courts of the Market or Pie Poudre.—The only court remaining to be mentioned is the Court of the Market or Pie Poudre Court, as it is called. This court, though the lowest in the series, is a court of record incident to every fair or market, of which the steward of him who owns or has the toll of the market is the judge, and its jurisdiction extends to administer justice for all commercial injuries done in that very fair or market, and not in any preceding one; so that the injury must be done, complained of, heard, and determined, within the compass of one and the same day, unless the fair continue longer Its judgments may be reviewed by a writ of error to the court of King's Bench.

SECT. III.—*Procedure in Courts.*

Method of proceeding in an Action.—The form of proceeding at law in civil cases is said to be by *action*, to distinguish it from the proceeding in criminal cases, which is by *indictment or information.* Actions are of three kinds:—1. Real; 2. Personal; and, 3. Mixed. The *first* of these concerns real – that is, freehold property. Real actions formerly composed the bulk of the business of the courts, and were the most usual, though not the only, method of determining the title to land, where the interest of the parties was greater than that of mere leaseholders, and where the object was to recover the land and not pecuniary compensation for the injury. They had become for the most part obsolete in practice, in consequence of the introduction of a fictitious form called an action of ejectment. They are now, with one or two exceptions, abolished.

The *second* class may again be divided into two kinds; the first relates to claims of debt, covenant, agreements express or tacit, and other similar demands; the second, to claims of satisfaction in damages for any injury done to the person or property. The former are said to be founded on contract; the latter, on tort or wrong; thus, an action of debt belongs to the former class, an action of assault to the latter. The mixed, or *third* species of action, is a compound of both, or is partly real and partly personal; the object being to recover damages for a wrong done, and also possession of the land. The action of ejectment, mentioned above, by which the title to lands is now tried, is an action of this description. These three different kinds

of action are again subdivided into many others, each appropriate to the injury complained of. To determine the form of action to be brought in each particular case, is one of the duties of the *special pleader*, and is one of great importance, as the plaintiff is bound not only to bring a meritorious case into court, but also to adopt the form specifically appropriated to his case by the law.

It appears inexpedient to insert in a work of this kind a detailed account of the practical proceedings in the conduct of a suit or action. A general idea of them can alone be submitted to the reader; and in doing this we shall avail ourselves of the language of a perspicuous and able elementary writer, the author of Eunomus, with the variations which recent acts have rendered necessary.

Let us suppose that a person, who has a cause of action either in a right detained or an injury done, is determined to bring an action. His attorney takes out process from the proper office against the party complained of, in consequence of which the party complained of (who is called the defendant) either enters an appearance, or gives bail to the sheriff to do so, as the case requires. The defendant being thus secured, the plaintiff declares in proper form the nature of his case. The defendant answers this *declaration;* and the charge and defence, by due course of pleading on paper, are reduced to one or more simple facts, asserted on one side, and denied on the other. These facts arising out of the pleadings and thence called *issues*, come next to be tried by a jury. The jury having heard the evidence upon the issues before them, find (we will suppose) a verdict for the plaintiff. On that verdict *judgment* is afterwards entered; the plaintiff's *costs* of suit are then taxed by the officer of the court, and the judgment is put in *execution* by levying on the defendant's effects the damages given by the jury, and the costs allowed by the court; this done, there is an end of the suit, and both parties are once more out of court.

The *practice* of a court in civil suits arises almost entirely from interruptions in the regular stages and course of a cause. Those regular stages, as to the time and manner of carrying them on, are themselves the legitimate offspring of the established practice of the court in which the cause is brought. When they are pursued, the course of the proceeding runs on smoothly and silently, and is transacted by the attorneys in the cause and the officers of the court, without ever being heard of in open court. The irregularities that push a cause out of its regular course, must be redressed by the interposition of the court, and it is this kind of business that furnishes and makes up a great part of the visible practice of the court in term time. On these occasions, the application to a court by counsel is called a *motion;* and the order made by a court on any motion, when drawn into form by the officer, is called a *rule*. The following are instances of practice arising from such casual irregularities. In the case put, where the attorney first takes out process against the defendant in order to make him appear or put in bail, 1stly, The *process* taken out may be irregular, and then it will produce a motion to set it aside, as where the defendant is a privileged person, and ought not to be arrested. 2d, It may not only be irregular but oppressive; and

then it grounds a motion for an *attachment* against the parties executing process as for an abuse of authority, or a constructive contempt of the court. This is a general motion, and may, as the oppression itself may, arise in any stage of the cause. The suit itself, as well as the process, may be irregular; and then it will occasion a motion to stay proceedings in a cause; as where the parties have agreed to compromise the matters in difference, and a release is about to be executed; for the release, when executed, may be pleaded in bar of the action. The first process may be regular, but the bail or arrest may not be so; in which case there may be a motion to discharge the defendant on entering an appearance, where it is shown by an affidavit that he is not liable to give bail, or where the affidavit to hold to bail is defective. The *declaration* being delivered, the defendant may conceive it to be immoderately prolix and impertinent, in which case he may move to strike out some *counts* in the declaration. The court usually, upon this, orders it to be referred to an officer called the *master*, and the master's report is the ground of the rule afterwards made.

In an action that is in its nature transitory, that is, not confined to a particular place, if the declaration states the cause of action to have arisen in one county, and it did in reality arise in another, the defendant may avail himself of that circumstance; and, upon affidavit of the fact, apply to the court to change the *venue*, that is, the place where the cause of action is declared to have happened, from the first county to the latter. The venue may likewise be changed from any county in England, wherever the cause of action arose, to that of Middlesex, where the court sits, if the defendant is privileged as attendant on that court; or where, although material evidence arises in the place laid, but no disinterested jury, common or special, can be expected to be had in the county in which the venue would otherwise be laid.

If a declaration is substantially defective, the defendant, instead of answering, *demurs* to it. The exception taken is thereupon solemnly argued in court; if allowed, the defendant has final judgment; if disallowed, there is judgment against him. If, on the other hand, the declaration is delivered, and is unexceptionable, and the defendant neglects to answer it in due time by putting in a *plea*, the plaintiff has *judgment by default*: but if the plaintiff is over hasty in signing this judgment, the court will interpose on a motion to set aside the judgment, in consequence of which the defendant will be at liberty to plead. If defendant is unprepared to plead to the declaration within the time appointed by law, he must apply to the court for additional time to plead, which, being a matter of indulgence, the court, upon the equity of the case, may refuse, or grant, or may grant upon certain terms. At common law, a defendant could only plead one single matter in defence, a rigour which often abridged the justice of his defence, and was often a cause of perplexed inartificial pleading, the party endeavouring to crowd as much matter of defence as he could into his plea, however involved, repugnant, or contradictory he might make it by so doing. The legislature thought it necessary to remedy this defect, and, early in the last century, enabled the defendant, as it were, to open as many trenches against the enemy as the nature of his ground will permit,—in other words, to plead several pleas. If the de-

fendant thinks more than one plea necessary, he obtains an order of the court for leave to plead several matters, which he shortly mentions when the application is made. Sometimes this expedient is an after thought; and then the defendant applies for leave to add pleas to those already delivered, or to withdraw one plea and substitute another.

The *plea*, *replication*, *rejoinder*, &c. (by which names the alternate written statements of the parties are called), if they escape demurrers, are at length settled, and terminate in an issue of fact, which remains to be sent to a jury.

In order to this, all the pleadings down to the issue, which it includes, are transcribed from the papers in which they were contained, upon parchment, and this transcript is called the *Nisi Prius record*, which after trial and verdict assumes the name of the *Postea*, because the entry of the proceeding at the trial commences with the word *afterwards*. Many circumstances may make it necessary to postpone a trial, or vary the common forms of examining witnesses. The necessary witnesses in the cause may reside altogether abroad, or, being there for a time, may not be likely to return at the regular time of the trial; in the first case the court is moved for a commission to examine witnesses on interrogatories, which interrogatories, with their answers properly attested, are sent back and read in evidence at the trial. In the latter case, the trial is sometimes merely delayed on a motion to put it off for the absence of a material witness. If, however, by this delay, the other party is likely to lose evidence that is ready at the time, as where a material witness is so old and infirm that he is not likely to survive the arrival of the evidence expected by the other side; or where his necessary business, on a trading voyage or employment abroad, obliges him to leave England before the trial can come on, — then the danger of delay is obviated by an examination *de bene esse* of the witness who is present, and his deposition is afterwards read at the trial. If a witness is under none of these incapacities; but, being duly summoned, neglects to attend, his negligence ought not to prejudice the opposite side, though it does an injury to the side which summons him. The trial, therefore, in that case is not put off; for the other party has brought, perhaps, numerous witnesses, has made out his briefs, and delivered them to counsel. In that situation, the party whose witness is absent must either go on with the trial, and place his miscarriage to the absent witness's account; or he must, if plaintiff, *withdraw his record*, and pay the other side their expenses for attending the trial. In either case, the law gives two remedies against the witness: it allows him, 1st, either to bring an action to recover the penalty expressed in his summons; or, 2dly, to punish him criminally by moving the court for an attachment; or, 3dly, to sue him for the purpose of recovering damages for the loss of the verdict in consequence of his absence. Not only the witnesses in a cause, but the jury themselves, or the nature of the cause in question, or the course of judicature, itself may require particular motions or applications. The nature of the cause will sometimes require the jury to see the very spot where the matter in dispute arises; in which case, after issue joined, the court is moved for a *view*. The cause is at other times, either of

such a nature that it may exceed the apprehension, or be likely to inflame the prejudices of a common jury; in either case a *special jury* will be moved for, composed of persons of a superior education, and less liable to influence than country people in general can be supposed to be. Sometimes the cause is likely to be very intricate and important, both in its value and consequences; circumstances which make it ineligible to bring it on before a single judge, or within the confined limits of an assize commission: from these considerations arises a motion for a *trial at bar*, by all the four judges sitting at Westminster in term time. In such a case the extraordinary expense of the trial may be more than balanced by the consideration of its being most probably decisive.

After having thus gone a little out of the way to put a case less common, let us return to the common case, and imagine the cause brought to the assizes, the jury sworn, and the witnesses examined. The trial goes on, or it does not; if it goes on, either a verdict is given or there is not: if a verdict is given, it is either given for the plaintiff or the defendant. The jury may be sworn and the witnesses may be in part examined, and yet the trial may stop because the parties may then, or at any time, compromise the matter in difference, or agree to a *reference* of it to an arbitrator; in either case a rule is made at the assizes (called an *order of Nisi Prius*), and a motion is afterwards made to make the order of Nisi Prius a rule of court. This is always done upon consent of both sides, and is the best security for performing an agreement or an award, because any disregard of it then becomes not merely an injury done to the party, but also a contempt of court, for which an attachment will issue. Supposing the parties averse to a reference, the cause must then go on. It may go on, and yet not get to a verdict; because, if the plaintiff does not prove his case, the defendant calls no evidence, and, instead of a verdict on either side, there is a *nonsuit*. Wherever the plaintiff gives no evidence to maintain his declaration, there must either be a verdict against him, or he must be nonsuited. Where evidence is produced on both sides, the verdict is given for plaintiff or defendant, according to the superior weight of evidence.

Here closes the trial, and from this period it is that the record assumes the name of the *postea;* and if the trial is decisive by neither the law nor the fact being afterwards controverted, the postea is delivered by the proper officer to the attorney of the successful party to sign his judgment. But in many cases, after a verdict given, there is room to question its validity. It may be exceptionable, either from misdirection of a judge in a point of law, or the misbehaviour or mistake of the jury; in which case, a motion may be made to set it aside. It may be, in the opinion of the court, clearly contrary to evidence, or the damages given may greatly exceed the injury sustained; on both which accounts a *new trial* may be moved for. If the verdict itself stands unimpeached, yet some original defect may appear on the face of the record, which shows that no judgment can be given on it. When this happens, the motion is *in arrest of judgment*. Supposing the verdict and record to stand clear of all objection, the *judgment* follows of course, and after judgment *execution*. The pur-

pose of execution is to levy the debt found to be due, or the damages assessed by the jury, and the costs allowed by the court; or, in the case of ejectment, to deliver possession of the premises sought to be recovered. The execution, however, may for a short time be interrupted, in case any objection arises to the taxation of costs; and then a motion may be made for the master to *review his taxation.* This, and every act of the master, is liable to be reviewed on appeal to the court, though, in judging of ordinary stages of practice, he is invested with original and competent jurisdiction, his office, both in his situation and employment, bearing no very remote analogy to that of the *Judex Pedaneus* of the Roman law. The execution may be suspended on other grounds; for the original party may die; in which case (where the action does not die with him) a *scire facias* must be had against his executor, to oblige him to satisfy the plaintiff out of the assets; or sometimes, where the original party is still living, instead of an execution had on the judgment, a distinct action may be brought on it, and so a second judgment founded on the first may be obtained. The writ of execution is directed to the sheriff, to be by him executed in due form. If the sheriff should thereupon falsely return that the defendant has no property, or should let the defendant escape his custody, or refuse to arrest him, he is liable to an action by the plaintiff. And if he or his officers misbehave in any kind of execution, or in any other service of a writ, they are liable to an attachment, which, as has been already stated, is a remedy which courts always have at hand to redress the wilful disobedience or oppression of their officers in any stage of the proceedings.

When execution is done, the cause is over. But a cause may, on many occasions, come much sooner to an end, and in a direction very different from what has been mentioned. It may come sooner to a trial; or it may come to execution without a trial. Thus it has been supposed above that the defendant pleads to the declaration; but it was intimated that, if he neglects to plead, judgment will be had against him by default. In consequence of the default of a plea, the truth of the fact is confessed, and cannot be afterwards litigated as it is on a trial: but this judgment, though it operates so as to preclude the defendant from controverting the fact which is the cause of action, does not go to a confession of the amount of damages laid in the declaration; for a plaintiff may lay any damages in his declaration, and he usually lays greater damages than he expects to recover; for he is not at liberty to recover more than he does lay, even though he proves more on evidence. With this liberty of laying damages to any amount, it would be manifestly unjust that he should recover more damages than he actually proves. Therefore, in every case, the actual proof of damages must ever precede the recovery of them, unless the defendant shall voluntarily confess the amount, and the plaintiff accept it. In the case of a judgment by default, instead of the common process and regular formation of an issue tried at assizes as in the common course, a *writ of inquiry* goes to the sheriff, who summons a jury for the purpose of ascertaining the damages. Till this is done, the judgment is called an *interlocutory*, in opposition to a *final, judgment.* In this course of proceeding, other motions

may arise, to set aside the judgment and writ of inquiry issued thereon as irregular, to execute a writ of inquiry before a judge instead of the sheriff where it is a matter of importance, and sometimes for a new writ of inquiry for excessive damages in the same manner as for a new trial on the same grounds. When the writ of inquiry has been duly executed, then the cause comes out of this by-path, and goes on in the old road to the regular judgment and execution.

Writ of Error.—A party who thinks himself aggrieved by the decision of the court in point of law, may procure a revision of it by a court of error. The method of proceeding is by writ of error, which is an original writ, in the nature of a commission to the judges of the superior court to examine the record, and to affirm or reverse the judgment according to law. The writ runs in the King's name, and is directed to the person, usually the chief judge, before whom the judgment is given, and in whose custody the record is. It is granted, as of right, in all cases, except criminal ones; and from the time of its allowance it stays execution on the judgment of the court below. There are, however, certain regulations for the prevention of frivolous writs for the mere purpose of delay; and it is necessary for a defendant to give security for abiding the decision of the court, and payment of costs, as in the original cause. The plaintiff in error then *assigns errors*, which he must also do within a given time. The errors assigned must be matters of law only, at least on an appeal to a superior court. When the ground of error comes on to be argued, counsel are heard, and the judges deliver their opinion either *seriatim*, or by the chief; and, according to the opinion of the majority, the judgment of the court below is affirmed or reversed. This applies, however, to those courts of error of which the judges form a part. In error in the House of Lords, although the judges are summoned to assist the Lords with their opinion, yet the peers are not bound by it, but determine the law themselves.

Where there is error in the judgment of an inferior court, not of record, as in the county court, the judgment is removed and examined in the superior courts at Westminster by a *writ of false judgment.*

Removal of Causes from inferior Courts.—The above remedies, in case of error, are given only after a decision: but besides these, either party may, during the progress of a cause, take it from the cognisance of an inferior court and carry it before a superior tribunal. The writs used to do this, where the inferior courts are courts of record, are the writs of *habeas corpus cum causâ* and of *certiorari* issued out of the superior court. After a cause has been removed by the plaintiff he may be compelled to proceed; but if the cause have been removed by the defendant, the plaintiff, it is said, may proceed in the action or not, at his discretion: there are no means of compelling him to do so. If he do proceed, he must begin *de novo* by declaring against the defendant, whatever may have been the state of the cause in the inferior court at the time it was removed. The subsequent pro-

ceedings are the same as in ordinary cases. There are also writs for removing into the superior courts the suits pending in an inferior court not of record, as the county court: one of these most commonly in use is called a *recordari facias loquelam*, or, shortly, a *refalo*, by which the complaint of a person whose goods are distrained for rent or other cause, is removed from the county court to one of the courts at Westminster for the purpose of there trying the right in question.

Sect. IV. — *Criminal Courts.*

House of Lords. — The highest court of criminal judicature known to the laws of England is the House of Lords, under the style of the Court of our Lord the King in Parliament. It possesses an original and an appellate jurisdiction. As a court of original jurisdiction, it may be regarded in several characters. First, during the session of parliament, it constitutes a tribunal for the trial of such high state offences as, either from the peculiar nature of the case, or the rank of the offender, the ordinary courts of justice may be supposed incapable of dealing with: commoners as well as peers are within its jurisdiction. The prosecution in these cases is termed an *impeachment;* which is a solemn charge or accusation preferred to the House of Lords by the Commons. The method of proceeding in an impeachment depends entirely on usage, which constitutes the law of Parliament as it does the common law of the land, and a committee is usually appointed on each occasion to search for precedents. The ordinary course is as follows: when the Commons have come to a resolution to prefer an impeachment against any one, they send a message to the Lords to that effect, and pray that the offender may be attached. Upon this the Lords order the Usher of the Black Rod to take him into custody; in certain cases they take bail, but this is discretionary. The Commons next proceed to prepare the impeachment, for which purpose a committee is appointed: the impeachment contains the different charges drawn up separately in distinct articles. When the articles of impeachment have been prepared they are sent up to the Lords, who send for the prisoner, and order them to be read to him. The prisoner, having heard them read, usually prays that he may be allowed a copy, time to answer, and the benefit of counsel. The privilege of having counsel, as a matter of right, extends only to the case of persons impeached of high treason, and misprision of treason; in these cases it was granted by the 20th of Geo. II. In other cases it remains as before; counsel are always granted, however, as a matter of course. As soon as the prisoner has prepared his answer, it is sent up to the Lords by whom it is sent to the Commons; the Commons consider it, and draw up an answer, or replication, as it is termed, which is forthwith sent so the Lords. A day is then fixed for the trial, of which notice is given to the Commons; who thereupon appoint a Committee of Management to conduct the prosecution: sometimes they come to a resolution to be present at the trial in a body; in which case the trial is had in Westminster Hall, where suitable accommodation is

made for them. The Lords previously to trial address the King, requesting him to appoint a Lord High Steward to preside over and conduct the proceedings: this is said, however, not to be absolutely necessary. The Lord High Steward is appointed by commission under the great seal, and for the particular occasion only. This officer must not be confounded with the Lord High Steward of the court hereafter mentioned. The power of the one we are now speaking of, is not, except in his character of president, greater than that of other peers; like them, he has only a single vote; the collective body of peers being here judges both of law and fact. The trial itself proceeds much as ordinary trials do; evidence is gone into, and witnesses examined on either side; the charge contained in each article is separately discussed and disposed of before the succeeding one is entered upon. The judges always attend, for the purpose of giving their opinion on any matter referred to them. On the trial being closed, the peers adjourn for the purpose of considering their verdict; this being agreed upon, notice is sent to the Commons, and the prisoner is brought to the bar, when each lord separately delivers his opinion in the usual words, "guilty" or "not guilty." After this, the Lord High Steward announces to the prisoner the result. Judgment, however, is not given until a subsequent day; indeed, it is said the Lords cannot give judgment until required by the Commons; so that if the Commons do not demand judgment, as has sometimes occurred, it has the effect of a pardon. This is the reason that the Commons in important cases always insist on being present at the trial, that, having heard the evidence, they may be the better able to decide in giving their votes on the question as to demanding judgment. Pending an impeachment, no interference is permitted on the part of the CROWN. The King's pardon cannot be pleaded in bar, neither can he stop it by prorogation, nor even, it is said, by dissolution of the Parliament, though the latter seems somewhat doubtful. After sentence, however, has been given, the King may in this, as in all other criminal cases, grant a reprieve or pardon. It seems undetermined whether the bishops have or not a right of voting. They have in general remained in the house and voted on all questions during the trial, retiring only when the verdict was given, and then always under a protest, "saving to themselves and their successors all such rights of judicature as they have by law, or of right ought to have."

2d.—The House of Lords constitutes a court for the trial of peers, and such as are entitled to the privilege of peerage, for certain offences: in these cases the indictment commences in one of the inferior courts, and is removed to the Lords by writ of *certiorari*. As this privilege belongs to the peerage, it extends to all peers, whether lords of parliament or not, as well as to peeresses, whether in their own right or by marriage only: in the latter case, however, if they become dowagers, and marry a commoner, they are held to have degraded themselves and forfeited their right. All peers who have a right to sit and vote in Parliament must be summoned; bishops, not being ennobled by blood, have no right to a summons or to a seat, neither can they be tried here. The privilege extends only to treasons, felonies, and misprisions of either; in all other offences, as libel, riot, &c., peers are

tried, like commoners, in the ordinary courts. A conviction in this court cannot take place by a majority of less than twelve. When parliament is sitting, this court is the same with the one last mentioned. The Lord High Steward is in like manner appointed for the occasion, and with similar powers.

3d.—The House of Lords, when Parliament is not sitting, constitutes a court for the trial of peers, called the Court of the Lord High Steward. But in this, the power of the Lord High Steward differs from that of the Lord High Steward in the courts above mentioned. The Lord High Steward here sits as judge, and decides on matters of law; the peers deciding only on matters of fact. The office was once hereditary, but latterly it seems to have been usual to appoint some peer specially for the occasion. The bishops form no part of this court any more than they do of the one last mentioned, nor have they any right to be tried in it. This court, it should be stated, has never been summoned since the Revolution.

4th.—The House of Lords is in all criminal cases the ultimate Court of Error; an appeal lying to it from the King's Bench, to which latter it lies in like manner from all inferior courts. In these cases the facts of the alleged offence are not investigated afresh, but the error must be assigned for some matter apparent on the face of the record. Writs of error to reverse judgments in criminal cases are not allowed of course; the *fiat*, or consent of the Attorney-General must be obtained on sufficient cause shown; but this being shown, they are said to be grantable *ex debito justitiæ*.

Court of King's Bench—This is the highest ordinary court of criminal judicature within the kingdom. It has jurisdiction in all criminal cases from high treason down to the most trivial misdemeanor or breach of the peace. It was originally attendant on the person of the King, but it has now been long stationary with the other courts at Westminster, where the King is supposed to be habitually resident. This court supersedes all other courts of ordinary criminal jurisdiction; so that, at common law, the authority of other commissions ceased, and was suspended by its sitting within the same county. The interruption of general business which this produced at length gave rise to an act (25 Geo. III. c. 15.), which enabled the sessions of oyer and terminer, and gaol delivery of Newgate to continue, notwithstanding the King's Bench was sitting at Westminster or elsewhere in the county. All offences committed in Middlesex may be originally prosecuted in it by indictment, as also misdemeanors committed in any county in England by information filed by the Attorney or Solicitor-General, *ex officio*, or by leave of the court at the relation of a private individual in the Crown Office. By different acts of parliament some offences committed out of the kingdom are also cognisable here. The constitution of this court as a criminal court does not differ materially from its constitution as a court of civil judicature. The judges are the same in both, although the subordinate officers and ministers of the Crown and civil side are different; and the mode of procedure is the same as in other criminal courts. Except in cases in which the intervention of the grand jury is not required, it has no original jurisdiction out of Middlesex, or the county in which it is sit-

ting. To the criminal jurisdiction of this court must be referred the issuing of various prerogative, remedial, and other writs, which are obtained in the King's name at the suit of a party interested in the execution of them. Thus, if a public officer neglects his duty, the party injured applies for a *mandamus*, whereby he is ordered, in the King's name, to do it or show cause to the contrary. So if a party indicted in any court of subordinate criminal jurisdiction within the kingdom shall have reason to be dissatisfied with the court in which he is about to be tried, he may (under certain restrictions in point of time) obtain out of this court a *certiorari*, by which the proceeding is *certified* into the King's Bench and is thenceforth carried on under its authority; and the same writ may be issued at the suit of the prosecutor.

Through the means of these and other forms of process, this court, in fact, exercises a very extensive, remedial, and visitatorial jurisdiction, correcting the abuses of public officers, superintending the proceedings of subordinate courts, ejecting the usurpers of offices and franchises, compelling the performance of public duties, and, to a certain extent, controlling, by its mandatory process, even the highest functionaries of the state.

Courts of Oyer and Terminer and Gaol Delivery. — These commissions, which confer criminal jurisdiction, are usually directed to the same judges of the superior court as the commissions which confer the civil; and the civil and criminal courts are held at the same time, one judge sitting in the one, the other in the other. The commissions which confer the criminal jurisdiction are three in number. 1. A commission of peace; 2. a commission of oyer and terminer; and, 3. a commission of general gaol delivery. Under the commission of oyer and terminer, they are empowered to inquire as well as to hear and determine, that is, they may first inquire by the grand jury or inquest, and then hear and determine by the petty jury: the third commission enables them to try and deliver every prisoner who shall be in the gaol when they arrive at the circuit town. Under the commissions of assize and *nisi prius*, though these are of a civil nature, the justices have, by virtue of several statutes, in certain cases, a criminal jurisdiction; and where an indictment of treason, felony, or misdemeanour has been removed out of the court below by *certiorari* into the King's Bench, the record may be sent down to be tried at *nisi prius*; but the judge at *nisi prius* does not proceed to judgment and execution thereupon, the record being returned with the verdict indorsed on it, to the Court of King's Bench, before whom the ulterior proceedings are taken. A recent act has, however, given the judge at *nisi prius* a power, in certain cases, to pass sentence upon the offender. The jurisdiction of the judges under the commission of the peace is the same as that of the magistrates at sessions, which will be mentioned presently. The courts of oyer and terminer and gaol delivery for Middlesex, previous to the act of the 3d & 4th of William IV. for the erection of a new criminal court for the metropolis, used to be held at the Old Bailey. By this act, however, a court called "The Central Criminal Court" is constituted, for the trial of all offences committed in the metropolis or the neighbourhood, within defined limits,

not restricted to Middlesex. Two of the judges of the superior courts at Westminster, the recorder, common serjeant, or judge of the sheriff's court, always preside in this court. It has the jurisdiction of a court of oyer and terminer, and is held twelve times every year, and oftener if necessary.

Sessions of the Peace.—These are courts holden before justices of the peace within their respective counties or districts, for the trial of felonies, not capital, as well as most misdemeanors. They are of four kinds; viz. the general sessions, the general quarter sessions, the special sessions, and petit sessions.

The General Sessions and *the General Quarter Sessions* are nearly similar. Both are courts of record held before two or more justices, one of whom must be of the quorum, which, as already seen, all justices now are; both are similarly constituted, and possess the same jurisdiction, except, perhaps, as to some matters which are made expressly cognisable by the general quarter sessions alone, and both are required to be held four times a year in every county in England. The only difference seems to be, that the latter are held at stated times, whereas the former may be held at any time. All that is absolutely necessary, however, is, that sessions should be holden four times; when, therefore, they are holden at the particular times stated, they are considered as general quarter sessions, and when holden at other times, as general sessions. In Middlesex, indeed, and the neighbourhood of the metropolis, in consequence of the great population, it is necessary to hold both kinds; so that sessions are there held eight times a year. This is not the case, however, in any other county, and generally the sessions held are the general quarter sessions. The times originally specified for holding the general quarter sessions have undergone a late legislative change, by which they have been fixed to the first week after the 11th of October, the first week after the 28th of December, the first week after the 31st of March, and the first week after the 24th of June. The general sessions, as well as the general quarter sessions, may be convened by two justices, or by the *custos rotulorum* and any one justice, but not by the *custos rotulorum* alone, nor by any one justice alone. In practice they are convened by two of the justices. The method of convening them is by precept addressed to the sheriff, requiring him to summon the proposed session for the usual purposes; to return the juries, and give notice throughout his bailiwick to all persons whose attendance is requisite. The precept also directs the sheriff to proclaim them, and requires him to attend himself, though it is usual for him to attend by deputy. The persons whose attendance is necessary are the *custos rotulorum*, or his deputy the clerk of the peace, who has the custody of the county records, and must register all proceedings; the gaolers and keepers of houses of correction, who must render an account of the state of the prisons and prisoners under their charge; and the chief constables and petty constables.

The place of convening the sessions is at the option of the magistrates, who usually appoint the place where they have been accustomed to be held, and which is in general one of the principal towns in the district. It is usual, if the district be extensive, to adjourn them from

one town to another, so as to save the expense of bringing the parties and witnesses to a distance.

Barristers (except such as are of the degree of king's counsel or serjeants), and attorneys practise in this court in the same manner as in the higher courts.

The jurisdiction of the sessions may be collected from the terms of the commission, which directs the justices "to inquire into, by the oath of good and lawful men of their county, and to hear and determine all felonies, trespasses, and all other crimes and offences of which such justices may or ought lawfully to inquire;" subject to this provision, that "if a case of difficulty arise," they shall not proceed to give judgment, except in the presence of some justice of one of the benches or of the assize. In practice, cases of difficulty within the meaning of this proviso, and capital offences, are not now tried before the quarter sessions, but are remitted for trial at the assizes. The quarter sessions have no jurisdiction to try the offence of treason; nor have they jurisdiction in cases of forgery or perjury at common law, on the ground, it is said, that these latter offences do not tend to a breach of the public peace. The exception, however, seems to depend less on principle than precedent. It has also been said that the court of sessions cannot try any newly created offence; but this proposition, as a general rule, cannot be relied on. There are, moreover, many offences and other matters, the cognisance of which has been given by statute, to this court; such are, among others, the enforcement of the laws relating to the settlement and provision of the poor, vagrants, and servants and apprentices; the filiation and maintenance of bastard children, and the stopping or diversion of highways.

In most of the larger boroughs there are also quarter sessions held, formerly before justices of their own, and now before their respective recorders, under the provisions of the Municipal Reform Act. These have the same authority as the justices of the county sessions, except in a few instances.

The proceedings in all these courts of sessions may, with certain limitations, be removed into the King's Bench, by writs of error or *certiorari*.

Special Sessions are required by law to be holden for particular purposes, and some of them at stated periods; as, for the appointment of overseers, surveyors of the high roads, inspectors of weights and measures, and licensing alehouses. These courts do not proceed by jury; they are merely meetings of one or two justices of the peace and their clerks. In some cases, indeed, the manner of holding them is particularly pointed out by the statute directing them; but in general they are convened either at the instance of the *custos rotulorum*, the clerk of the peace, or two magistrates, who issue a precept to the chief constable of the district, who in his turn issues precepts to the petty constables, and gives notice to the different magistrates. The decisions of the magistrates, both in these and the petit sessions next mentioned, are in most cases subject to reversal on appeal to the quarter sessions.

Petit or *Petty Sessions* are meetings of one or two justices by private arrangement among themselves. The chief business done at them consists in the administration of the poor laws, determining

differences between master and man, taking cognisance of minor offences, as assaults, drunkenness, keeping disorderly houses, &c.; many of which, indeed, might be done by a single justice. Justices, in fact, fill two characters; they are at once judges and magistrates of police. In the one character they decide; in the other they can inquire and commit only, preparatory to some further trial. When they sit as judges, and decide, the place in which they sit is a court of justice, and as such is an open court. So in cases where a single justice can make a final decision, his room, even though it be in his private house, becomes a court of justice with all the incidents which belong to such court, and to the parties amenable to it. But when justices sit on a preliminary investigation merely, as on a charge of murder, they may sit with closed doors.

The Sheriff's Tourn and *Courts Leet* do not essentially differ, except in the extent of the district within their jurisdiction. Both are courts of record, and formerly were attended by all freeholders, and persons resident within their respective precincts. Their principal business was to view the frankpledges, that is, the freemen within the liberty, who, according to the Saxon system, were all mutually pledges for the good behaviour of each other. They have cognisance of breaches of the peace, and the chastisement of sundry inferior offences presented by the leet jury. Their business has, for the most part, devolved on the quarter sessions; but there are few ancient boroughs in which there is not a leet retaining something of its old jurisdiction; especially the presentment of nuisances. The constable of a township, also, is still regularly, and of right, chosen at the leet.

The Coroner's Court is also a court of record. Its duty is to inquire, when any one dies in prison or comes to a violent or sudden death, by what manner he came to his end; and this must be done *super visum corporis*, i. e. on inspection of the body. His office has been already treated of above.

The Court of the Clerk of the Market is incident to every fair and market in the kingdom to punish misdemeanors, as a court of *pie poudre* is to determine all disputes relating to property. It has cognisance of weights and measures, and is the lowest court of criminal jurisdiction in the kingdom.

Method of Proceeding in Criminal Courts.—The method of carrying on a criminal prosecution by indictment is next to be described. And first, of the arrest: this is usually done under the warrant of a justice of the peace. The warrant may be granted merely on suspicion, but this suspicion must be supported by the testimony of a witness on oath. It is directed to the constable or peace officer of the district in which the offence was committed, and requires him to bring the offender before the justices; which he accordingly is bound to do, if he can be found. The case is then further examined into, and if it appear to the magistrates that there is a sufficiently strong presumption of the guilt of the accused, they commit him to gaol. In cases which admit of it, instead of committing the prisoner, the magistrate takes bail for his appearance at the ensuing assizes or sessions. The witnesses examined by the justices are also bound to appear and give testimony at the trial. The complaining party, who is usually the

person injured, is also bound to prosecute. The prisoner having been committed for trial, or bail (where this is admitted) taken for his appearance, the next step is the prosecution, which is usually carried on by indictment.

An *indictment* is a written accusation of one or more persons of a crime or misdemeanor, preferred by the prosecutor to, and presented upon oath by, a grand jury. It must contain the particulars of the charge set forth with accuracy and precision, and must be supported by evidence. The only witnesses examined, however, before a grand jury are those called for the prosecution, as the object of the inquiry is nothing more than to ascertain whether there are sufficient grounds for putting the accused on his trial. The evidence brought before them, the grand jury are bound by their oath not to divulge.

If, upon hearing the evidence, the grand jury think the accusation groundless, they indorse the indictment, "no bill." If, on the other hand, they are satisfied of the truth of its statement, they indorse it, "a true bill." The indictment is then said to be *found*, and the party stands indicted: but to find a bill, not less than 12 jurors must agree. The indictment, when so found, is publicly delivered into court.

Prosecutions are sometimes carried on without the intervention of a grand jury. They are then called *informations*.

Informations are of two kinds; 1st. those which are partly at the suit of the King, and partly for the benefit of the subject; and, 2d. those which are brought only in the name of his Majesty. The former are usually brought upon penal statutes which inflict a penalty on the conviction of the offender, one part of which goes to the King, and another to the informer, and which are in the nature of civil actions, differing only in this, that they are carried on by a criminal, instead of a civil, process. Informations which are at the suit of the King only are either filed *ex officio* by the Attorney or Solicitor-General where the offence immediately affects the Crown or public safety, or by the Master of the Crown Office, when the injury more immediately affects the rights of an individual. No information, however, of the latter description can be filed without the leave of the court in which it is exhibited being previously obtained.

Informations can be filed for misdemeanors only; no man can be put upon his trial for a capital offence unless the accusation against him be first found sufficient by 12 of his countrymen.

If the accused be not in custody at the time the indictment is found, or the information filed (as in the latter case he never is), process must issue to bring him duly before the court. On an indictment, the court issues a warrant for the apprehension of the accused party; and on his being arrested, he is either committed to prison or bound over with sureties to appear at the ensuing assizes or sessions, as the case may be. It is usually at this stage of a prosecution that writs of *certiorari* are had to certify and remove the indictment with all the proceedings therein, from any inferior court of criminal jurisdiction into the court of King's Bench, which is the sovereign ordinary court in all criminal cases. When removed by *certiorari*, the trial may either be had at the bar of the court, or before the justices

on the circuit at *nisi prius*. The method of trial at *nisi prius* has already been described in speaking of civil actions; we shall therefore confine ourselves here to trials not upon writ of *nisi prius*. If, on an indictment being found, the offender either appear voluntarily or be already in custody, or be brought into court under the criminal process above mentioned, he is, in cases of felony, *arraigned*. This is nothing more than being called to the bar to answer the charge which is then read over to him, and he is asked whether he is "guilty or not guilty." If he plead guilty, his confession is recorded, and the court awards judgment. But if the defendant pleads "not guilty," he is then put upon his trial. A jury is then called from the jurors in attendance, when either prosecutor or prisoner may, by challenge, object to any jurors, or in some cases to the whole jury. If the court allow the objection, another jury, or other persons, as the case may be, must be called. As soon as a sufficient number of unobjectionable jurors are called, they are sworn and the trial proceeds. The case is stated by the counsel for the prosecution, and evidence is adduced and examined in support of it. The defence is then entered upon, and the evidence in support of it brought forward. The prisoner, for this purpose, is allowed counsel to aid him in his defence, and to address the jury. When the evidence on both sides is closed, the judge sums up the evidence, and charges the jury in matter of law, and the jury give their verdict in the words "guilty," or "not guilty." If the jury find the prisoner "not guilty," he is then for ever discharged from the same accusation, and released. But if the jury find him "guilty," he is said to be *convicted* of the crime of which he was indicted. After an offender has been so convicted, all that remains for the court to do is to pronounce judgment, and sentence the prisoner to the punishment assigned to his offence. The judgment may be arrested, before it is pronounced, for any error on the face of the indictment; afterwards, it can only be avoided by a writ of error. If an error in the indictment is pointed during the trial, the court will usually quash it, without putting the defendant to a writ of error; and if any doubt occurs upon the evidence as to the law, the judge will frequently reserve the point for the opinion of all the judges, and in the case of conviction, respite the sentence until that opinion is obtained.

Where a prisoner is convicted at quarter sessions, and the bench entertain doubts about the legality of the conviction, a representation is usually made by them to the Secretary of State for the Home Department, by whom the matter is referred, if it be thought necessary, to the legal advisers of the Crown. If the conviction is by them deemed illegal, a pardon is granted. It must be remembered, however, that this only occurs where the supposed illegality is not apparent on the indictment itself, for that would be ground of error. At the conclusion of the assizes, the prisoners in gaol against whom no one has appeared are, or ought to be, discharged by proclamation.

In the quarter sessions, a great part of the business consists in hearing and determining appeals from the decisions of the petit sessions, or of single justices; and we ought, therefore, shortly to advert to the method of proceeding in these cases. In some cases, it is necessary,

on conviction for the magistrates making their order to inform the party of his right to appeal. The appeals are entered preparatory to the sessions in the paper of the clerk of the peace, and are usually heard in the order in which they stand. Upon such appeals the inquiry is not confined to error in law; but the whole merits of the case may be entered upon afresh. The justices are, in cases of appeal, absolute judges upon all matters of fact, and also, if they think fit, upon all matters of law; they may, however, in cases where the writ of *certiorari* is not expressly taken away by statute, send up a case on proved or admitted facts for the opinion of the judges of the King's Bench. Where the *certiorari* is taken away, the court of King's Bench has no jurisdiction. The opinion of the justices is determined by that of the majority, the justices from whose order the appeal is made not voting. What has been here stated of justices at sessions is applicable for the most part to the recorders of boroughs, since the Municipal Reform Act.

SECT. V. — *Courts of Equity.*

The Courts of Equity are — the Court of Chancery, which is practically divided into three courts, viz. the Lord Chancellor's Court, the Rolls' Court, and the Vice-Chancellor's Court, — the Equity side of the Exchequer, — and the House of Lords, as a court of appeal. With the exception of the latter, which has been already described, they are all similarly constituted, and have very nearly the same powers and jurisdictions. Unlike the courts of common law they admit of no jury: a single judge presides in each, who decides at once on law and fact, unless the facts are so doubtful that he thinks fit to call in aid of his judgment the verdict of a jury, which he does by directing the trial of an issue or an action. And where a question which a court of equity is called upon to decide is purely legal, and, but for circumstances which bring it within equitable jurisdiction, would be properly determinable in a court of law, the judge in equity is in the habit of directing a case to be sent to a court of law, on which such court, after argument, returns a certificate of its opinion. With the exception of the House of Lords none of them are courts of record. The judges in the Court of Chancery are the Lord Chancellor, the Master of the Rolls, and the Vice-Chancellor; and on the Equity side of the Exchequer, the Lord Chief Baron, or, when his presence is required elsewhere, one of the puisne barons. The Lord Chancellor has been already spoken of in his political capacity. The next in rank to him is the Master of the Rolls, who is appointed by the Crown by letters patent, and holds his office for life. The Master of the Rolls administers justice by himself in a separate court called the Rolls. He has the power of hearing and determining originally the same matters as the Lord Chancellor, excepting cases of lunacy and bankruptcy; but all orders and decrees pronounced by the Master of the Rolls must be signed by the Lord Chancellor before they are enrolled. The Master of the Rolls is also the chief of the twelve masters

in Chancery, and chief clerk in the petty bag office: he is the keeper, also, of all the records of the Court of Chancery after the decrees and orders have been enrolled; and on that account he was anciently styled *Guardien des Rolles.* The Master of the Rolls ranks immediately after the Chief Justice of the King's Bench: his salary, by the late statute 6 G. 4. c. 84., is 7,000*l.* a year.

Before the passing of the act 3 & 4 W. IV. c. 94. the Master of the Rolls did not hear motions, pleas, or demurrers; and whatever was presented for his decision, other than the hearing of causes, was brought before him by petition. By the above mentioned act, however, this was altered; and motions, pleas, and demurrers are now heard by him in the same manner as by the other equity judges.

The office of Vice-Chancellor was created by the 53d of G. III. for the assistance of the Chancellor; he is appointed also by the Crown, by letters patent, and must be a barrister, of 15 years' standing at least. He is styled Vice-Chancellor of England, and has rank and precedence next to the Master of the Rolls: his salary is now, by the late statue of 6 G. IV. c. 84., 6,000*l.* a year, clear of all deduction. No fees are allowed. His duties are to hear and determine all causes, matters, and things depending in the Court of Chancery, either as a court of law or equity, or which have been submitted to its jurisdiction by act of parliament; but no decree or order of the Vice-Chancellor can be enrolled until the same have been signed by the Lord Chancellor. The Vice-Chancellor may sit for the Chancellor in his absence or in a separate court at the same time, which he generally does. The courts of the Lord Chancellor and Vice-Chancellor may therefore be considered, to a certain extent, as the same. The causes are always set down before the Lord Chancellor; but after the creation of a Vice-Chancellor causes were seldom heard, except upon appeal, before the Lord Chancellor. The practical effect of that measure was to relieve the Lord Chancellor from all original business except in matters in which he has exclusive jurisdiction, as in lunacy and bankruptcy, and to convert him into a judge of appeal. The arrear of appeals, however, in the Court of Chancery, has of late years been so much reduced as to admit of a recurrence to the ancient practice; and, in the last year (1837) many original causes have been disposed of by the Lord Chancellor. The Rolls' Court, on the other hand, partakes in its nature of a separate jurisdiction, and the suitor has his option whether he will have his cause tried by the Master of the Rolls or the Lord Chancellor; an appeal, however, to the Chancellor lies from the Master of the Rolls, as well as from the Vice-Chancellor, and neither of them can alter or discharge any order or decree of his; neither can the Vice-Chancellor alter or discharge any order or decree of the Master of the Rolls; nor, on the other hand, the Master of the Rolls of the Vice-Chancellor. Until a recent alteration of the practice a cause which had been heard before the Master of the Rolls might be subsequently prosecuted before the Vice-Chancellor, and so *vice versa* (though the converse practice was not always acquiesced in by Masters of the Rolls); but, by orders, dated the 5th of May, 1837, it is at the option of a suitor, on filing his information or bill, to mark it with the words "Lord Chancellor,"

or with the words "Master of the Rolls," and, his election having been thus made, all the subsequent proceedings in the cause must be prosecuted, — in the one case before the Lord Chancellor or Vice-Chancellor, and in the other before the Master of the Rolls.

The judge on the Equity side of the Exchequer has been already spoken of in treating of the common law courts.

The courts of equity have, like the common law courts, various inferior officers for getting through the details of business. The principal of these are — the registrars, whose duty it is to attend the several courts while sitting, take down the minutes of the decrees, &c., and draw them up; the six clerks, who receive and file all bills, answers, pleas, and other records, &c.; the sworn clerks, who are officers peculiar to these courts, and had their origin, as well as the former, when these courts were in the hands of the ecclesiastics: formerly they were in orders. These officers are entrusted with a great variety of duties connected with the practice and pleadings of the court, and they are frequently required to return certificates to the court, or to the masters, upon questions of practice which their experience may enable them to answer. The Court of Chancery has also an officer called the accountant-general, to whose charge the property of the suitors is committed. The effects of the suitors consist of cash, stock, and exchequer bills deposited with the Bank of England, who are the bankers of the court. It must not, however, be supposed that the accountant-general has this sum under his arbitrary control: it merely stands in his name, and he keeps an account with the bank according to the several causes and accounts to which the moneys and securities respectively belong. Whenever any money is to be paid into or out of the bank, or any investment made, though his privity and concurrence is necessary, the payment is made under an order of the court. But the most important officers of the Court of Chancery and who, for many purposes, make it more efficacious than the courts of common law, are the Masters in Ordinary, of whom, as we have already said, the Master of the Rolls is the chief. Exclusively of him, they are 11 in number, who are appointed by the King's letters patent: their salaries, previously to the late act of the 3d & 4th of Will. IV., were principally derived from fees; but by that act are now fixed at 2,500*l.* each, and, like the salaries of the Master of the Rolls and the Vice-Chancellor, are charged on the Suitors' Fund. To one of these masters, whenever the court is unable to satisfy itself of a fact, or the matter is too intricate or tedious for its investigation, a reference is directed, and the cause stands over until he has made his report. There are also throughout the country Masters Extraordinary, as they are termed, who are also officers of the court: they are usually solicitors, and their principal duty consists in taking the affidavits of parties living in the country. The judges in the Court of Chancery sit every day during term in Westminster Hall, Sundays and holidays excepted. The Equity Court of Exchequer sits on certain days appointed by the judges in it, at the commencement of Easter term and vacations. During the sittings after term the Lord Chancellor sits in Lincoln's Inn Hall, and the Vice-Chancellor in a court near it; the Master of the Rolls at his court in the Rolls' Yard; and the Lord Chief Baron,

or Puisne Baron (as the case may be) of the Exchequer, in the Hall of Gray's Inn.

The usual hours of sitting are from ten or eleven o'clock in the morning to three or four in the evening.

Immediately after and before each term the courts usually take a short recess; and in the beginning of August they usually adjourn for the long vacation, which lasts till the beginning of November.

There are no fixed days for hearing particular branches of business; but, at the commencement of every sitting, each court issues what is termed a *seal paper*, detailing the plan of disposing of business each day.

The principal subjects which are treated of in a court of equity are trusts, charities, matters of account, fraud, accident, and mistake. By trusts, we mean not merely such as are expressly declared in writing, but such as are so in the construction only of a court of equity, as where one person has contracted with another for the purchase of an estate. The court considers the vendor from the time of the contract as being, in good conscience, a trustee for the purchaser, and on that ground compels him to perform his contract: and this forms one of the most marked distinctions between a court of common law and a court of equity. The former can only give damages for the breach of contract, whereas the latter enforces the performance of it. The decree of the Court of Chancery is said to be *in personam*, not *in rem*. It binds the person, not the subject matter, and calls upon a defendant by subpœna to do what it orders him. In some cases, indeed, in the event of a refusal, the court has now the power to appoint a person to perform the required act in the place of the person refusing. Another advantage of the Court of Chancery is, that it compels a discovery from the defendant upon oath; and, by thus sifting the conscience of the party against whom relief is sought, is enabled to do justice in a great number of cases, where a court of law, from its insufficient powers, would fail to furnish a remedy, and a defendant, but for this mode of compelling a disclosure of the truth, might prevail by concealing facts within his own knowledge. The Court of Chancery has also a jurisdiction in cases in which the ordinary courts of common law, from a defect in their constitution or forms of proceeding, are insufficient to provide a remedy. Besides these matters of equitable cognisance in which the several courts of equity have equal jurisdiction, there are some which are peculiar to the court of the Lord Chancellor: these are the care of idiots and lunatics. In bankruptcy the Lord Chancellor has also an appellate jurisdiction over the Court of Review, which can be exercised by him alone in all other cases.

The jurisdiction of the courts of Chancery and Exchequer, in point of extent, is considered *primâ facie* as reaching over the whole of the King's dominions; and if suit be brought in a matter over which some particular court has exclusive jurisdiction, the *onus probandi* lies on the party taking the objection.

Method of Proceeding. — This is nearly the same in all the equity courts, if we except some minor points not worth noticing. A question may be brought before the court in three ways: 1st, By bill or in-

formation; 2d, by petition; and 3d, by motion. The two latter, however, can in general only be made by parties to a cause actually pending, and are the methods used for getting the order or opinion of the court from time to time on questions arising in the progress of a suit. There are, however, certain cases under particular statutes in which the court has the power of proceeding in a summary way upon petition.

A bill differs from an information only in this, that the latter is filed by the Attorney-General, whereas the former is filed by a private individual. Informations refer always to public matters, as charities, or where the interests of the Crown are in some manner concerned. A bill refers to private matters only. A bill, or *English bill* (as it is termed, to distinguish it from the pleadings on the common law side of the court, which were in Latin), as well as an information, is addressed to the Lord Chancellor in Chancery, and in the Exchequer to the Chancellor and other Barons of the Exchequer. It commences with a plain statement of the facts of the case and the points in which the complainant considers himself aggrieved. Next, it goes on to state the grounds of defence which the defendant may be supposed to make and the complainant's answer to them. This is followed by a general averment that the acts complained of tend to the injury of the complainant, and that he has no remedy except in a court of equity. The complainant then proceeds to interrogate the defendant as to all the matters stated in the foregoing part of this bill, and calls upon him to answer the queries upon oath, according to the best of his knowledge, information, and belief. The whole concludes by a prayer for the relief required, and that the court will issue its subpœna to the defendant to appear and answer. In some cases, where the bill is brought to restrain the defendant from committing any act, as from cutting down timber, an *injunction* also is prayed, which is an order of the court prohibiting him from continuing to commit the act complained of, until cause shall be shown for dissolving the injunction, or until the cause shall have been decided. Besides the specific relief prayed for by the bill, the bill usually prays for such further relief as to the court may seem meet, which is called the prayer for general relief. A complainant may have the whole or any part of the relief he asks, or, indeed, a different relief altogether, provided it be not inconsistent with the case made out by his bill. All parties interested must be parties to a suit in Chancery, a rule which enables the courts of equity to do more complete justice than courts of common law. The bill must be signed by counsel in order that the court may be assured of its propriety. It is then filed in the Six Clerks' Office, and as soon as this is done, the defendant is served with a subpœna requiring him within a limited time to appear and answer. An appearance is effected by the solicitor of the defendant authorising his clerk in court to give notice to the clerk in court of the complainant, that he appears for him. If the defendant neglect to appear within the time stated, an attachment issues; and if he be taken, he is committed to the Fleet (which is the prison of the court), until such time as he causes an appearance to be entered. If he cannot be taken, the court may sequester his

goods; though it cannot, until after a decree, sell them. If the defendant, being taken, persists in refusing to enter an appearance, the court may order an appearance to be entered for him and proceed to make a decree *ex parte*. When the defendant happens to be privileged from arrest as a member of the House of Commons, a sequestration issues at once on his neglecting to comply with the subpœna. A peer, before he is served with a subpœna, has what is called a *letter missive* sent him, as a mark of respect. In the case of a corporation, the subpœna is also immediately followed by sequestration. Where none of these processes can be carried into effect, and there is reason to believe the defendant has absconded purposely to avoid being served, the bill may be taken *pro confesso*, and a decree made *ex parte*. Until a recent enactment, if the defendant happened to be accidentally out of the jurisdiction and not merely for the purpose of avoiding process, the courts of equity were altogether at fault and could proceed no further; but by an act of parliament, the 4 & 5 W. IV. c. 82. (extending the provisions of a previous act, the 2 W. IV. c. 33.) passed for the purpose of remedying the inconvenience and delays of justice arising from the defect of jurisdiction in courts of equity, to effectuate the service of their process upon defendants resident out of the United Kingdom, it is enacted, that, in suits concerning lands in England, Wales, or Ireland, or money in public funds, or shares in public companies, service of a subpœna in the manner therein directed shall be deemed good service, and be proceeded upon as fully and effectually as if it had been made within the jurisdiction of the courts.

An injunction is never granted without the institution of a suit; but upon a certificate that a bill is filed, and an affidavit verifying the statements in the bill, the court will in cases of a very urgent nature grant a special injunction before the defendant has been served with a subpœna to appear, and upon an *ex parte* application. In cases of less urgency, the court will require the defendant to be served with a notice of motion, and will then, upon a case shown, grant an injunction till the defendant files his answer. When the injunction is granted *ex parte*, liberty is given to the defendant to move to dissolve the injunction before answer. Where the injunction has been granted after notice of motion, and both plaintiff and defendant have been heard, the defendant is entitled, upon the coming in of his answer, to move for the dissolution of the injunction, and it will then depend upon the merits of the case made by the bill and the case disclosed by the answer, whether the injunction is dissolved or continued till the hearing of the cause

Supposing the defendant to have appeared, there are three ways in which he may make his defence; these are by *demurrer*, *plea*, or *answer*. If the plaintiff on the face of his own bill appear not entitled to the relief he prays, the defendant may demur; that is, admitting all the facts alleged in the bill to be true, he submits it to the judgment of the court whether any case for equitable relief is made out against him. If the bill, however, upon the face of it makes out a case, but there is some other matter not there noticed which, if brought forward, would operate as a bar to the plaintiff's claim, the defendant's mode of defence

is by a plea, which, as it does not, like a demurrer, admit the plaintiff's case, must be put in upon oath, unless it be to the jurisdiction of the court, or in respect of the disability of the person of the plaintiff or defendant, or unless the defendant plead some matter of record which cannot be disputed, as an act of parliament or the like. A plea, if necessary, is supported by evidence like an answer; and may be replied to, and issue may be joined upon the question raised by it. If neither of these modes of defence succeed, the defendant must meet the case upon the merits, and answer; this he does by distinctly answering the interrogatories contained in the bill, stating at the same time the grounds of his own defence. This answer he puts in upon oath; unless in the case of a peer, who answers only on his honour. In cases of an amicable suit, an answer by the consent of the complainant is frequently taken without oath. In consequence of the advantage gained by thus examining a party accused against himself, it not unfrequently happens that a party at law files a bill in equity for the mere purpose of getting a discovery to assist him in his action. A *discovery*, however, is never permitted except in civil questions. A defendant cannot be called upon to answer any question tending to criminate himself, and, if asked, he may demur to it. The answer, like the bill, must be signed by counsel, and filed in the Six Clerks, Office. These modes of defence, though stated here separately, may be used jointly or not, as the defendant finds it convenient; thus he may demur to the bill as to part, plead as to another part, and answer as to the rest. The combination of these modes of defence, however, such as a plea and answer; demurrer, plea, and answer, &c., requires so much technical nicety, and courts of equity, which, in general, look rather to substance than to form, have in this particular branch of pleading sanctioned the introduction of so much subtlety, that one of the three defences is usually considered a safer course than an attempt to combine them, which, indeed, scarcely ever succeeds. Upon the coming in of the answer, the complainant is at liberty to take the advantage of any further information it may give, and amend his bill by adding new parties or stating any new facts, and interrogating the defendant as to them; and the defendant is obliged to answer the amended bill in the same manner as the original. When an insufficient answer is put in, the complainant is at liberty to except to it, and to compel a full one to be given. If the complainant find sufficient matter confessed in the defendant's answer to secure a decree in his favour, he may proceed to the hearing of the cause upon bill and answer only; but in this case, he must admit the defendant's answer to be in all respects true, otherwise the course is for the complainant to reply generally to the answer; that is, aver his bill to be true, sufficient, and correct, and the answer the reverse. To this replication the defendant rejoins, which has the effect of putting the question at issue; both parties then enter into evidence, the plaintiff being at liberty to take any advantage of the defendant's answer he can by reading any thing out of it he may think fit. The examination of witnesses is not carried on in open court *vivâ voce*, as at law, but by depositions in writing. For this purpose interrogatories are drawn up on the points on which the witnesses are to be examined; and if they are in town, their de-

positions are taken in the Examiner's Office; if in the country, the interrogatories are given to commissioners appointed by the court and at the instance of the parties, sworn to secrecy, whose duty it is to read the interrogatories to the witnesses and take down their answers. Neither party is permitted to see the depositions taken by the other until publication, as it is termed, passes, when copies are given out to the parties; after which no further witnesses can be examined. The cause is then set down for hearing; and subpœnas to attend are served by the party setting it down, on the other parties. Stated times are fixed within which all these different proceedings must be taken: thus the defendant has eight weeks to answer in a town and ten in a country cause, which times he may have enlarged for three weeks more if necessary; so also the plaintiff is allowed two months after the answer has been put in to except; but it would be tedious to specify the times limited for all the different proceedings, and the circumstances under which they may be enlarged.

Whenever a party dies, or any change in the interest of the parties takes place, as by marriage or otherwise, it is necessary to bring the new party before the court. This is done by filing a bill against the new defendant, termed *a bill of revivor* or *supplement*, stating the change of interest, and praying that the complainant may have the benefit of the previous proceedings against him. To this the defendant answers in the same manner as to the original bill; and in default of his doing so within a given time, an order issues for reviving the cause, when the proceedings are restored to the same plight as before. The parties at the hearing both appear by their counsel; and when the cause is called on, the plaintiff's junior counsel opens the pleadings by reading the material parts of the bill; the defendant's counsel next reads the answer; the plaintiff's senior counsel then argues the case, after which the plaintiff's evidence is read. The defendant's counsel next, in like manner, addresses the court and reads his evidence; and when he has finished, the plaintiff's senior counsel replies. The judge then, unless he takes time to consider the case, delivers his judgment, and the decree is made, the minutes of which are drawn up by the registrar. In delivering his judgment, the judge, in a case of any difficulty, usually states the grounds of his decision, which are referred to in future as settling the law on that particular point. The *decree* contains merely a short statement of the substance of the bill and answer, and the decree and order of the court upon hearing the pleadings and evidence, and what was alleged by the counsel on both sides. Formerly the court directed the reasons for its decree to be specially entered by the registrar; but that practice, though its utility has been recognised and it is sometimes adopted, has become very uncommon. Where the suit seeks a declaration of the rights of the parties, the ordinary part of the decree is usually prefaced by it. A decree, properly so called, is made at the hearing of the cause; an order in a cause is either interlocutory or decretal; — interlocutory, if made before the hearing; decretal, if made subsequently to the hearing of the cause. If the defendant have filed a cross bill against the complainant, which he sometimes does to elicit a discovery from him, both suits are heard at the same time. Costs do

not in equity, as at law, follow the issue of the cause, but are entirely in the discretion of the court which awards them, as the equity of the case requires. It seldom happens that a final decree can be made at the first hearing: in most cases it is found necessary in the first instance to refer the matter to a master for the purpose of making inquiries; and the further consideration of the question is postponed until he has made his report. The method of summoning parties before the master is by a warrant granted by the master for that purpose, fixing the time for their attendance. This warrant may be sued out by any of the parties, complainant or defendant, and must be served on all interested in the proceedings. If the parties on being served do not appear, the master proceeds *ex parte*. When the master's report has been obtained, it is carried up to the court and confirmed on a motion made for the purpose, unless any of the parties except to it, when the exceptions are signed; if allowed, the matter is usually referred back to the master; if not allowed, the report is confirmed and the cause set down for further or final directions, as the case may be. It sometimes happens that doubtful questions of fact arise. When this is the case, the court for its own satisfaction, before pronouncing a final decree, will direct the question to be tried as an issue before a jury in a common law court. The question of fact is tried upon a *feigned issue*, the pretended plaintiff at law declaring that he has laid a wager with the defendant that the affirmative of the question is true; and the defendant admitting the wager but insisting upon the negative, whereupon issue is joined. In certain cases this is as of course done, as where the validity of a will is in question. In a doubtful question of law the court frequently sends a *case* for the opinion of the judges, before whom it is argued, and who then certify their opinion to the chancellor or other judge; upon this certificate the decree is usually founded. The chancellor or other judge directing it, however, is not bound either by the verdict or the opinion of the judges, which is required only to assist the conscience of the court. If the court of equity is not satisfied with the finding of the jury on the first issue, it will direct another trial, or repeated trials; but there is no instance of its having decided in opposition to repeated verdicts to the same effect. So if it is dissatisfied with the opinion of one court of law, it sometimes sends the same special case to another court; and if both courts of law concur, the court of equity usually acquiesces in their opinion. All matters which occur during the progress of a cause on which it is necessary to have the opinion or the order of the court, are brought forward either by *motion* or *petition*. Of the two, motions are the least formal. Some, indeed, are of course, and do not even require to be mentioned to the court; in these the signature of counsel is sufficient, as showing all is correct. In others, again, when any matter is to be discussed, it is necessary to give two days' notice to the opposite party. Petitions, in like manner, are of two kinds, some requiring to be served on all parties, and others merely of course. Both motions and petitions, when not of course, require to be supported by affidavits; which, in contested cases, must be filed for the information of the opposite parties, who file affidavits in answer. Affidavits are written

statements upon oath as to the matters in issue, sworn before a master.

The only mode which a court of equity has in general of enforcing its decrees and orders is by attaching the person of the defendant and imprisoning him for contempt, or sequestering his goods and effects; which, in cases that admit of such a remedy, it may also sell, and out of the produce of the sale satisfy the complainant's demands. In some cases, indeed, the court is empowered to execute its own decrees; but there still are many in which, if the defendant be out of the jurisdiction of the court, or if he stand out all process of contempt, there is no remedy. By Sir Edward Sugden's late Act, one of the masters, four times every year, is appointed to visit the Fleet prison, and report upon the cases of contempt, in order to guard against an unjust deprivation of liberty.

A petition is addressed in Chancery to the Lord Chancellor or Master of the Rolls; in the Exchequer to the Chancellor and Barons of the Exchequer. It contains a statement of the case, with the points in which the petitioner thinks himself aggrieved, and concludes with a prayer for relief. The judge to whom the petition is addressed answers it by writing at the end of the prayer a memorandum, signed with his signature, directing all parties concerned in the matter of the petition to appear on a given day. No written answer is required from the respondent, who answers the allegation of the petition by his counsel at the bar.

A decree by the Master of the Rolls, or the Vice-Chancellor, may, as before stated, be appealed from and carried before the Chancellor: an appeal from the Chancellor must be carried before the House of Lords. In strictness, an appeal to the Chancellor is only a *rehearing*, the decrees of the Vice-Chancellor and the Master of the Rolls being, in fact, his decrees, and as such signed by him; when therefore a decree has been once signed and enrolled, it cannot be reheard by the Chancellor, but must be carried by appeal before the Lords. The method of bringing on an appeal is by petition stating the decree, and the ground on which it is alleged to be erroneous, and praying to have it reversed. A cause may, however, if sufficient ground for it can be shown, be reheard before the same judge who pronounced the decree; or if new matter be discovered, the decree may be reversed on a *bill of review*. The proceedings on a bill of review are much the same as on an original bill. It states the previous pleadings, the decree, the new matter, &c.; and concludes by praying the former decree may be reversed. A bill of review is also brought in the same court in which the cause was originally heard.

The Court of Chancery is also, in certain cases, as in cases where lunatics or infants happen to be trustees, especially empowered by acts of parliament to proceed summarily on petition. This, however, the court never does except in clear cases; wherever there is any doubt a bill is always ordered to be filed, that the matter may be brought fully before it.

The following Extract from the Parliamentary Returns made a few years ago will show the average Business got through in the Court of Chancery.

	Lord Chancellor.	Vice Chancellor.	Master of the Rolls.	Total.
Causes - - -	32	931	1,790	2,753
Rehearings - - -	5	11	23	39
Appeals - - -	181	—	—	181
Pleas - - - -	1	42	—	43
Demurrers - - -	6	121	—	127
Exceptions - - -	79	136	57	272
Further directions - -	3	264	1,188	1,455
Cause petitions - - -	284	3,632	4,939	8,855
Special motions contested -	346	1,838	—	2,184

The average number of bills filed in a year amounts, perhaps, to about 2,300; a number, curiously enough, not greatly exceeding the number filed nearly a hundred years ago, although the property in court has increased in the same period from scarcely 2,000,000*l.* to nearly 40,000,000*l.* On this fund, Mr. Cooper, in a work entitled "A Proposal for a Public Record Office," makes the following remarks:—"A great part of the business of Chancery consists in the management and application of the corpus and income of the vast property which, for the security of the rights of infants, lunatics, annuitants, remainder-men, and others, is placed under its superintendence. This property, though necessarily changing, does not appear ever to have experienced any diminution in value or amount. That portion of it which consists of monies and stock paid and transferred to the accountant-general is stated, soon after the institution of that office, to have exceeded 1,723,000*l.*; and for several years it has averaged nearly 40 millions. It will excite no surprise that so immense a deposit should, in the course of a century, from non-claim and other causes, have produced large profits. It is from these that the *suitors' fund* is for the most part derived. Different sums, amounting in the whole to 950,000*l.*, have, under various acts of parliament, been taken out of the cash of the suitors lying dead and unemployed in the bank, and have been invested in the three per cents. to an account entitled 'An Account of Monies placed out for the Benefit and better Security of the High Court of Chancery.' This fund forms, in consols and reduced, 1,183,058*l.* Part of the income of these investments has been applied by virtue of the same act of parliament in payment of the salaries of sundry officers of the court and in defraying the expenses of building different offices; and the surplus income has been carried to an account called 'An Account of Securities purchased with Surplus Interest, arising from Securities carried to an Account of Monies placed out for the Benefit and better Security of the Suitors of the High Court of Chancery.' This last sum amounts, in consols and reduced, to a sum of 771,957*l.* A small part of the income is applicable in the same manner as the income of the last-mentioned fund. In round numbers, the total income of both the above mentioned funds may be called 60,000*l.*, and the total amount

of the present yearly charges upon it may be stated at 35,000*l.*, leaving a surplus revenue of 25,000*l.* per annum."

The principal local Chancery courts are those of the counties palatine, each of which has exclusive jurisdiction within its respective county. Their constitution and mode of proceeding are similar to that already described. There are also some other local courts of Equity, which are not of sufficient general interest to demand a separate notice.

SECT. VI. — *Court of Bankruptcy.*

This court was established by an act passed in the 1st and 2d of William IV. It is subdivided into three branches. — 1. The Court of Review; 2. The Subdivision Courts; and, 3. The Courts of the Commissioners.

The Court of Review is at present, by the act for establishing a Court in Bankruptcy, composed of a chief judge and three puisne judges, a registrar, and other inferior officers. On the death of one of the three puisne judges originally appointed, the vacancy was not supplied; and as the quantity of business transacted by the Court of Review has not equalled the expectations upon which the provision for this part of the judicial establishment in bankruptcy seems to have been founded, it is understood that there will be no re-appointment. The chief judge must be a serjeant or barrister of 10 years' standing; and the puisne judges must also be serjeants or barristers of 10 years' standing, or five years' standing at the bar, having practised 5 years previously below the bar. They are appointed by commission under the great seal. The chief judge has a salary of 3,000*l.*, the two others of 2,000*l.*, per annum. They must not sit in parliament, nor practise as barristers. This court is at once a court of law and equity; it has power and jurisdiction to hear and determine all matters in bankruptcy, where, before the passing of the act by which the court was constituted (1 & 2 W. IV. c. 56.), were heard by the Lord Chancellor. The act, however, gives an appeal from the decisions of the Court of Review to the Lord Chancellor, upon a special case to be approved and certified by one of the judges of the Court of Review.

Mode of Proceeding. — All matters to be heard and determined in this court are brought on by way of petition, motion, or special case, according to rules and regulations from time to time to be made by the judges. These forms of proceeding have already been described in what has been said of the Court of Chancery. This court, however, is enabled by the act, if it think fit, to summon witnesses, and examine them at the bar, in the same manner as a court of common law, which, it will be remembered, the Court of Chancery cannot do. This court, however, may, like a court of equity, send an issue to be tried before a judge of assize, or may direct a trial before one of its own judges, and summon a jury to attend before it for the purpose. An appeal lies from this court to the Lord Chancellor, and in some cases to the House of Lords. The appeal to the Chancellor is always upon a special case, which must be agreed on by the parties, and

settled by one of the judges. An appeal to the Lord Chancellor can be decided by him alone.

An appeal to the House of Lords is allowed only in cases which appear to the Chancellor of sufficient importance, or where both parties wish to have it decided there, when it may be carried up to the House of Lords direct from the Court of Review. An appeal, as has been already described, is brought on by a petition setting forth the special case, the decision, and praying the reversal of it. Barristers practise in this, in the same manner as in the other courts in Westminster Hall.

Subdivision Courts, and the Courts of the Commissioners. — The Courts of the Commissioners are held in Basinghall Street in the city of London, one being held before each. The commissioners are 6 in number, and are appointed in the same manner as the judges of the Court of Review. Their salary is 1,500*l.* a year. Like the judges of the Court of Review they are not allowed to practise as barristers, nor sit in parliament during such time as they hold their appointment. These commissioners are empowered to form 2 Subdivision Courts, consisting of 3 commissioners for each court. To these Subdivision Courts the single commissioner may, when any difficult question arises, adjourn the proceedings.

No single commissioner can commit any bankrupt, or any other person examined before him, otherwise than to the custody of the officer of the court; and he must be brought up before a Subdivision Court, or the Court of Review, within 3 days after his commitment. The Subdivision Courts, as well as the Court of Review, are courts of record. Besides the London commissioners, there are also commissioners in the country, for conducting such bankruptcies as can be better managed there, or are too trifling to be brought up to town. These are selected by the judges on the circuit, out of the barristers, solicitors, and attorneys on the circuit, and must be submitted to the Lord Chancellor for his approval. The business is conducted before the commissioners in the country in much the same way it is before the London commissioners. An appeal also lies from the decisions of the former to the Court of Review.

Mode of Proceeding. — A person is made a bankrupt by the *fiat* of the Lord Chancellor. To procure this, the creditor suing out the fiat must make an affidavit that the person against whom he seeks it is indebted to him to the amount of 100*l.* at the least; or if there be two creditors, to the amount of 150*l.*; if more, 200*l.*; that the person is a trader within the meaning of the bankrupt laws, and that he has committed an act of bankruptcy. Besides this, the petitioning creditor must enter into a bond for the payment of all costs and expenses, in case he should fail in supporting his application. These documents he lodges in the office of the Secretary of Bankrupts; and a petition is presented to the Chancellor, upon which the fiat issues as a matter of course. The fiat is a power or authority under the great seal to the court, or in the case of a country commission to certain commissioners specially named, to proceed, not only as against the bankrupt and his property, but also against all other persons who by concealment or otherwise, shall offend touching the premises, and to do and

execute all things towards satisfaction and payment of creditors. In a town commission, as soon as the fiat had been obtained it is filed of record; after which, on application made, the registrar allots the fiat to one of the six commissioners, who, on its being brought to him, appoints a time for opening it. At this meeting, the debt, the trading, and the act of bankruptcy must be proved, and witnesses are produced and examined. This being done, the commissioner adjudges the party a bankrupt, and appoints an official assignee, who is an officer of the court, and who acts in conjunction with the assignees chosen by the creditors, as will be presently mentioned. The commissioner also appoints the public meetings at which the creditors are called upon to attend, and which usually are two. At these meetings the bankrupt is required to surrender by an advertisement inserted in the Gazette for the purpose, and by a summons served on him, if he can be found, if not, left at his usual place of abode. The commissioners also issue their warrant directed to an officer of the court termed the messenger and others, authorising them to seize the property of the bankrupt. At this stage of the proceedings, the bankrupt, if he disputes the adjudication, may present his petition to the Court of Review to have it reversed. At the first public meeting the bankrupt usually surrenders, when an indorsement to that effect is made upon his summons which protects him from arrest until after he has undergone his final examination. The creditors who have debts to the amount of 10*l.* and upwards each then choose assignees, who are generally some of themselves, to act conjointly with the official assignee in the management of the bankrupt's property which is vested in them *ipso facto* by their appointment. In country fiats the creditors usually also name a banker with whom the moneys received by the assignees are to be lodged. In London it is lodged in the Bank of England. At this meeting the costs of the parties who have conducted the *fiat* previously are taxed, and paid out of the first moneys received. At the second public meeting, the bankrupt is finally examined; and unless the creditors dissent, his certificate is allowed. Sometimes the bankrupt does not surrender till this meeting; in all cases, however, he must surrender before 3 o'clock in the afternoon of the 42d day from the day of his being declared a bankrupt, otherwise he will be guilty of felony. The Court of Review may, however, enlarge the time. When he has surrendered and submitted to be examined, the commissioners may also, if they think fit, adjourn his examination to another day; and so from time to time until he has undergone the whole of his examination. The certificate, when signed by a sufficient number of creditors, is laid before the commissioners for their signature. The creditors may also prove their debts at this meeting.

The subsequent meetings are usually called for the purpose of declaring dividends, or when the assignees desire to have the sanction of the creditors to any particular measure: minutes of the proceedings at all these meetings are duly kept, and enrolled of record.

In the course of these proceedings any difficult question that may arise from time to time is referred to the Subdivision Courts, or carried by way of appeal to the Court of Review. In many cases, also,

an application, by way of original petition, to the Court of Review is necessary, as it alone has jurisdiction.

SECT. VII. — *Court for the Relief of Insolvent Debtors.*

This court was created for the relief of prisoners confined for debt, whether in the shape of damages under a decree of court, or for a sum of money owing to another. As remodelled by 7 Geo. IV. c. 57., it is at present composed of three commissioners, a chief and two puisne ones, who are appointed by the King, and who must be barristers of ten years' standing at the least. The principal inferior officers are a chief clerk, provisional assignee, and a receiver. It is a court of record, and has power to administer an oath, compel the attendance of witnesses, production of papers, and to fine and imprison, in the same manner as the superior courts at Westminster. In London it sits twice a week the whole year through, the attendance of one commissioner being sufficient; and thrice a year also the commissioners make circuits throughout the kingdom, holding courts at every assize town. In London the place of sitting is in Portugal Street, Lincoln's Inn Fields.

Mode of Proceeding. — This is by a petition presented by the insolvent to the commissioners; in which he states the place where he is confined, the time when he was first charged in custody, together with the name of the person or persons at whose suit he is detained, praying to be discharged, and to have future liberty of person against the demand for which he was then in custody, as well as against all other persons to whom he may be indebted at the time of his presenting his petition. This must be signed by the prisoner, and is filed in the court. At the same time that he presents his petition, he must execute a conveyance of all he is possessed of to the provisional assignee, excepting only necessaries to the amount of 20*l.* in value, which he is allowed to retain; subject nevertheless to a proviso, that if the prisoner does not succeed in procuring his discharge, such conveyance is to be void. Within 14 days after this, the prisoner must deliver in a schedule, giving full particulars of all the debts he owes, as well as of his whole property, whether in possession or expectancy. He is then brought up at a time appointed by the court; and if adjudged entitled to his discharge, he is discharged accordingly. His discharge, however, may be opposed by his creditors; and on sufficient grounds of objection being shown, he will be recommitted. On his discharge, the court appoints new assignees, who are usually chosen out of his creditors, and to whom the provisional assignee then conveys his estate and effects, which are forthwith sold. At the end of three months the proceeds are divided among the creditors according to the schedule given in by the prisoner; though, if any of the debts are disputed by others of the creditors, the court has full power to investigate, and, if proper, to reject them. As a further security, the insolvent, on his discharge, is also required to execute a warrant of attorney, authorising judgment to be entered up against him in the names of the assignees to the amount of the debts stated in his schedule; and upon this, if the prisoner become at any time afterwards of ability to pay,

the court will, on being satisfied of the fact, permit execution to be taken out. If he become possessed of property which cannot be taken in execution, the court has power, on a petition presented for the purpose, again to take and commit him to prison until he gives it up. On his debts being satisfied, a re-assignment of any part of his property which remains is ordered, and satisfaction entered up on the judgment. Persons discharged under this act cannot be arrested for any debts due at the time of their discharge. No one, however, who has taken the benefit of this act, is again entitled to relief under it until after the expiration of five years, unless three-fourths of his creditors assent, and the court shall be satisfied that he has not been guilty of extravagance or misconduct.

This court has been perpetuated, and the provision for relief of insolvents have undergone some variations in the recent act of 1 and 2 Vict. c. 10., for the abolition of arrest on mesne process.

Sect. VIII. — *Ecclesiastical Courts, and Courts of Admiralty.*

The ordinary Ecclesiastical Courts are, — 1. The Provincial Courts, being in the province of Canterbury; the Court of Arches, or Supreme Court of Appeal; the Prerogative, or Testamentary Court; and the Court of Peculiars: and in the province of York, the Prerogative or Testamentary Court, and the Chancery Court. 2. The Diocesan Courts, being the consistorial court of each diocese exercising general jurisdiction; the court or courts of one or more commissaries appointed by the bishop, in certain dioceses, to exercise general jurisdiction within prescribed limits. 3. The Courts of one or more Archdeacons, or their officials, exercising general or limited jurisdiction, according to the terms of their patents or to local custom. And, 4. There are also Peculiars of various descriptions in most dioceses, and in some they are very numerous — royal, archiepiscopal, episcopal, decanal, sub-decanal, prebendal, rectorial, and vicarial. These courts, indeed, are said to amount to 300. There are also some Manorial Courts.

The provincial courts of the Archbishop of Canterbury and the Archbishop of York are independent of each other; the process of one province not running into the other, but being sent, by a requisition, to the local authority for execution. An appeal from each provincial court lies to the King; who, by the late act, is empowered to refer it to the judicial committee of the privy council, to hear and determine the matter in contest. The Court of Delegates is now done away.

These courts are for the most part similarly constituted. A single judge presides in each. He is appointed by the archbishop, bishop, archdeacon, as the case may be, in whose court he presides. In a peculiar he is not appointed by the individual having the jurisdiction. These courts are not courts of record.

Of the three principal Archiepiscopal Courts of Canterbury, the Court of Arches is the first. This court exercises the appellate jurisdiction from each of the diocesan and most of the peculiar courts within the province. It may also take original cognisance of causes,

by letters of request from each of those courts; and it has original jurisdiction on subtraction of legacies given by wills proved in the Prerogative Court of Canterbury.

The Prerogative Court has jurisdiction of all wills and administrations of personal property left by persons having *bona notabilia*, or effects of a certain value, in divers jurisdictions within the province. A very large proportion, not less than four-fifths of the whole contentious business, and a very much larger part of the uncontested, or, as it is termed, *common form business*, is despatched by this court. Its authority is necessary to the administration of the effects of all persons dying possessed of personal property to a specified amount within the province, whether leaving a will or dying intestate; and from the very great increase of personal property, arising from the public funds and the extension of the commercial capital of the country, the business of this jurisdiction, both as deciding upon all the contested rights, and as registering all instruments and proofs in respect of the succession to such property, is become of very high public importance.

The Court of Peculiars, which is the third archiepiscopal court of Canterbury, takes cognisance of all matters arising in certain deaneries: one of these deaneries is in the diocese of London, another in the diocese of Rochester, another in the diocese of Winchester, each comprising several parishes; and some others, over which the archbishop exercises ordinary jurisdiction, and which are exempt from, and independent of, the several bishops within whose dioceses they are locally situate. The province of Canterbury includes 22 dioceses, reckoning the diocese of Canterbury itself, where the ordinary episcopal jurisdiction is exercised by a commissary, in the same manner as in other dioceses.

The province of York includes 4 dioceses, besides that of Sodor and Man; and the archiepiscopal jurisdiction is exercised therein much in the same manner as in the province of Canterbury.

The diocesan courts take cognisance of all matters arising locally within their respective limits, with the exception of places subject to peculiar jurisdiction. They may decide all matters of spiritual discipline; they may suspend or deprive clergymen, declare marriages void, pronounce sentence of separation *à mensâ et thoro*, try the right of succession to personal property, and administer the other branches of ecclesiastical law. It is usual, however, in the country courts, to send up cases that arise by letters of request to the Court of Arches. The Archdeacon's Court is generally subordinate, with an appeal to the Bishop's Court; though, in some instances, it is independent and co-ordinate. The Archdeacon's Courts, and the various Peculiars already enumerated, in some instances take cognisance of all ecclesiastical matters arising within their own limits, though the jurisdiction of many of the Peculiar Courts extends only to a single parish; the authority of some of them is limited to a part only of the matters usually the subject of ecclesiastical cognisance. Several of the Peculiars possess voluntary, but not contentious jurisdiction.

The ecclesiastical jurisdiction comprehends causes of a civil and temporal nature; some partaking both of a spiritual and civil character; and, lastly, some purely spiritual.

In the first class are testamentary causes; matrimonial causes for separation and for nullity of marriage, which are purely questions of *civil* right between individuals in their lay character, and are neither spiritual nor affecting the church establishment.

The second class comprises causes of a *mixed* description, as suits for tithes, church rates, seats, and faculties.

The third class includes church discipline, and the correction of offences of a *spiritual* kind. They are proceeded upon in the way of *criminal* suits *pro salute animæ*, and for the lawful correction of manners. Among these are offences committed by the clergy themselves, such as neglect of duty, immoral conduct, advancing doctrines not conformable to the Articles of the church, suffering dilapidations, and the like offences; also by laymen, such as brawling, laying violent hands, and other irreverent conduct in the church or churchyard, violating churchyards, neglecting to repair ecclesiastical buildings, incest, incontinence, defamation: all these are termed "causes of correction," except defamation, which is of an anomalous character. These offences are punished by monition, penance, excommunication, suspension *ab ingressu ecclesiæ*, suspension from office, and deprivation.

The ecclesiastical laws, as now existing, have been for upwards of three centuries administered, in the principal courts, by a body of men associated, as a distinct profession, for the practice of the civil and canon laws.

Some of the members of this body, in the year 1567, purchased the site upon which Doctors' Commons now stands; and, at their own expense, erected houses for the residence of the judges and advocates, and proper buildings for holding the ecclesiastical and admiralty courts, where they have ever since continued to be held. In the year 1768 a royal charter was obtained, by virtue of which the then members of the society, and their successors, were incorporated, under the name and title of "The College of Doctors of Law exercent in the Ecclesiastical and Admiralty Courts." This college consists of a President (the Dean of the Arches for the time being), and of those Doctors of Laws who have regularly taken that degree in either of the universities of Oxford or Cambridge, and having been admitted advocates, in pursuance of the rescript of the Archbishop of Canterbury, have been elected fellows of the college, in the manner prescribed by the charter. According to the present constitution of the College of Doctors of Law, no person can be admitted a member, or allowed to practice as an advocate in the court at Doctors' Commons, without having first taken the degree of Doctor of Laws in one of the English universities. From the College of Advocates the archbishop always selects the judges of the archiepiscopal courts.

Proctors in these courts discharge duties similar to those of solicitors and attorneys in other courts. In order to entitle a person to be admitted a proctor, to practise in the Court of Arches, it is required that he shall have served a clerkship of seven years, under articles, with one of the 34 senior proctors, who must be of 5 years' standing; and who, by the rule of the court, is prohibited from taking a second clerk until the first shall have served 5 years, except in the event of the death of a proctor, to whom a clerk may have been articled, be-

fore the term of his clerkship is completed. In this case any other of the 34 senior proctors may take such clerk for the remainder of the term, although he himself may at the same time have a clerk of less than 5 years' standing. Before a clerk is permitted to be articled, he is required to produce a certificate of his having made reasonable progress in classical learning. When the term of 7 years is completed, the party is admitted a notary, by a faculty from the Archbishop of Canterbury. The proctor so admitted is qualified to commence business upon his own account immediately; but he is not entitled to take an articled clerk, until he shall have been for 5 years within the number of the 34 senior proctors.

Mode of Proceeding.—The mode of commencing the suit, and bringing the parties before the court, is by a process called a citation, or summons, containing the name of the judge, the plaintiff and the defendant, the cause of action, and the time and place of appearance. This citation, in ordinary cases, is obtained as a matter of course from the registry of the court, and under its seal; but in special cases the facts are alleged in what is termed an Act of Court, and upon those facts the judge, or his surrogate, decrees the party to be cited; to which, in certain cases, is added an *intimation* that if the party does not appear, or if appearing does not show cause to the contrary, the prayer of the plaintiff set forth in the decree will be granted.

The party cited may either appear in person or by his proctor, who is appointed by an instrument, under hand and seal, termed a proxy. The proctor thus appointed represents the party, acts for him, and manages the cause, and binds him by his acts.

In testamentary causes the proceeding is sometimes commenced by a *caveat*, entered by a party interested in the effects of the deceased person, against the grant of any representation either by probate or letters of administration, without notice being first given to him who enters the caveat. The person entering this caveat is then *warned* by the party claiming the representation, either as executor or administrator, which is in effect a notice to the proctor entering the caveat, that he must appear and take further steps, if he intends to continue his opposition; both parties are then *assigned*, by order of court, to set forth their respective claims; and the suit thus commences, either to try the validity of an alleged will, or the right to administration, either as under an intestacy or with a will annexed.

There is another process in testamentary matters extremely useful and frequently resorted to, which it may be proper here to state. The executor, or other person claiming to take the grant of probate of a will or other testamentary instrument, may cite the next of kin and other parties interested, under an intestacy or a former will, to appear and see the will propounded and proved by witnesses; and if the parties cited do not appear and oppose the probate, they are barred from afterwards contesting its validity, unless on account of absence out of the kingdom, or the like, sufficient cause for non-appearance be shown.

So again, the next of kin, or other parties entitled either to the grant of administration or under a former will, may cite the executor or other person apparently benefited under a suggested will or testamentary instrument to appear and propound it, or otherwise show

cause why administration should not be granted to the deceased, as having died intestate, or probate decreed of a former will; and the parties cited not appearing, are barred from afterwards setting up the will.

But if probate or administration be taken in *common form*, without citing persons having an adverse interest, the grant may afterwards be *called in*, and the executor or administrator cited, and put upon proof of his right, as if no such *common form* grant had issued.

Again, where no grant is applied for by the persons primarily entitled to it, such as an executor, residuary legatee, or next of kin, process may be taken out by any person claiming an interest in the effects of the deceased, such as a legatee, a party in distribution, or a creditor, calling upon the persons primarily entitled to accept or refuse the grant, or otherwise to show cause why it should not pass to such person claiming an interest. Or if a person die intestate, without leaving any known relations, a creditor may obtain the grant, upon advertising for next of kin in the Gazette and a morning and evening newspaper, serving a process on the Royal Exchange and on the King's proctor, the Crown having a right to take the grant if desired.

In all these and similar cases, the facts must be supported by affidavit; due notice is required to be given, and the grant is moved for before the court at its sitting.

The mode of enforcing process, in case of disobedience, is by pronouncing the party cited to be contumacious; and if the disobedience continues, a *significavit* issues, upon which an *attachment* from Chancery is obtained to imprison the party till he obeys. In cases where some act is required to be done by the parties cited, to exhibit an inventory and account, for instance, or to pay alimony, the compulsory process is enforced; but in some cases, where no act is to be done by the party cited, the plaintiff may proceed *in pœnam contumaciæ*, and the cause then goes on *ex parte*, as if the defendant had appeared.

The party cited, to save his contumacy, may appear under protest, and may show cause against being cited; such as that the court has no jurisdiction in the subject-matter, or that he is not amenable to that jurisdiction: this preliminary objection is heard upon petition and affidavits; and either the protest is allowed and the defendant dismissed, or the protest is overruled and the defendant is assigned to appear absolutely, and costs are generally given against the unsuccessful party. Either party may appeal from the decision on this preliminary point; or the defendant, in case the judge decide against him on the question of jurisdiction, and on some other questions, may apply to a court of law for a prohibition.

Some other points, such as the claim to administration among persons of admitted equal degree of kindred, objections to an inventory and account, and other similar matters, may be heard upon petition and affidavit, where the facts are not of such a nature as to require investigation in the more formal proceedings of regular pleadings and depositions, with the benefit of cross-examining witnesses.

The form of the pleadings is next to be described. These contain a statement of the facts relied upon and proposed to be proved by each party in the suit, the real grounds of the action and of the defence.

Causes, in their quality, are technically classed and described as

plenary and summary, though in modern practice there is substantially but little difference in the mode of proceeding. All causes in the Prerogative Court are summary; so are proceedings in appeals before the Privy Council, whatever be the character of the original causes; but other causes, whether of a criminal or civil nature, are plenary.

The first plea bears different names in the different descriptions of causes. In criminal proceedings, the first plea is termed the articles; in form, it runs in the name of the judge, who articles and objects the facts charged against the defendant. In plenary causes not criminal, the first plea is termed the libel, and runs in the name of the party or his proctor who alleges and propounds the facts founding the demand. In testamentary causes, the first plea is termed an allegation.

Every subsequent plea in all causes, whether responsive or not, and by whatever party given, is termed an *allegation*.

Each of these pleas contains a statement of the facts upon which the party founds his demand for relief, or his defence, resembling the bill and answer in equity, except that the allegation is broken into separate positions or articles: the facts alleged are classed under separate heads, according to the subject-matter, or the order of time in which they have occurred. Under this form of pleading, the witnesses are produced, and examined only to particular articles of the allegation, containing the facts within their knowledge; a notice or designation of the witnesses being delivered to the adverse party, who is thereby distinctly apprised of the points to which he should address his cross-examination of each witness, as well as the matters which it may be necessary for him to contradict or explain by counterpleading.

Before a plea of any kind, whether articles, libel, or allegation, is admitted, it is open to the adverse party to object to its admission, either in the whole or in part: in the whole, when the facts altogether, if taken to be true, will not entitle the party giving the plea to the demand which he makes, or to support the defence which he sets up; in part, if any of the facts pleaded are irrelevant to the matter in issue, or could not be proved by admissible evidence, or are incapable of proof.

The objections are made and argued before the judge, and decided upon by him: if the plea is admitted, the further opposition may be withdrawn; in the other case, if the plea is rejected, the party offering it either abandons the suit, or appeals, in order to take the judgment of a superior tribunal. When a plea has been admitted, a time or term probatory is assigned to the party who gives the plea to examine his witnesses; and the adverse party is assigned, except in criminal matters, to give in his answers upon oath, to his knowledge or belief of the facts alleged.

The defendant may proceed then, if he think proper, or he may wait until the plaintiff has examined his witnesses, to give an allegation controverting his adversary's plea. This responsive allegation is proceeded upon in the same manner; objections to its admissibility may be taken, answers upon oath be required, and witnesses examined. The plaintiff may, in like manner, reply by a further allegation; and on that, or any subsequent allegation, the same course is pursued.

The attendance of witnesses is compelled by what is termed a "compulsory," being somewhat in the nature of a subpœna; obedience to

which is enforced as in other cases of contumely. When witnesses live at any distance from London, a commission issues to take their evidence in the country. When they live near town, their depositions are taken by the examiners of the court. They are not taken, as in equity, upon interrogatories previously drawn up; but the allegation is given to the examiner, who makes himself master of the fact charged, and examines the witness, and takes down his answers. The cross-examination is upon written interrogatories, which are delivered to the examiner by the party cross-examining when the examination has been concluded, and not before publication, as it is termed, passes, and copies of the several depositions are delivered out to the parties. The evidence being completed, the cause is now set down for hearing. All the papers, pleas, exhibits, interrogatories, and depositions are delivered to the judge, that he may peruse them previously to trial. All causes are heard publicly in open court, and, on the day appointed for hearing the cause, are opened by the counsel on both sides, who state the points of law and fact which they mean to contend for in argument. The evidence is then read, and the whole case argued and discussed by counsel. The judgment of the court is then pronounced upon the law and the facts of the case, in doing which the judge usually assigns the grounds of his decision. The execution of the sentence, in case there be no appeal interposed, is either completed by the court itself, as, by granting probate or administration, or remains to be completed by the act of the party, as exhibiting an inventory and account, &c.; in which cases execution is enforced by the compulsory process of contumacy, significavit, and attachment. The costs are in the discretion of the judge, who usually gives them according to the equity of the case, as in Chancery.

The Court of Admiralty.—The Court of Admiralty is held before the Lord High Admiral or his deputy, who is called judge of the court. When there was a Lord High Admiral, the judge of the Admiralty held his place most commonly by patent from him, and was called his lieutenant, as the vice-admirals of the several districts were called deputies. The judge now holds his place by direct commission from the Crown, under the great seal: to him appeals lie from the Vice-Admiralty Courts in the West Indies and other plantations and settlements; and that on revenue causes as well as others, which had been doubted, and the Privy Council alleged to be the only proper court of appeal. The Court of Admiralty is twofold: the Instance Court, which takes cognisance of contracts made and injuries committed on the high seas; and the Prize Court, which has jurisdiction over prizes taken in time of war. The commissions to hold these courts are perfectly distinct, though usually given to the same person. The Instance Court is governed by the civil law, the laws of Oleron, and the customs of the Admiralty modified by statute law.

The Prize Court is to hear and determine according to the course of the Admiralty and the law of nations.

From the Instance Court an appeal lies to the King, by whom it is referred to the judicial committee of the Privy Council. An appeal from the Prize Court also lies to the Privy Council.

The jurisdiction of the Admiralty as a criminal court, which it once possessed, seems now withdrawn, and given to the ordinary courts of

common law; and any offence committed on the high seas may, for the purpose of being tried in them, be alleged to have been committed in any county of England.

Besides these courts which have a general jurisdiction throughout the kingdom, the Cinque Ports and some other places have courts of a limited jurisdiction of their own. The Vice-Admiralty Courts exist only in the colonies.

The method of proceeding in these courts so nearly resembles the method of proceeding in ecclesiastical courts, as scarcely to make it worth while to describe it. Like them they are held at Doctors' Commons, and the practice in them is confined to the doctors and proctors.

CHAPTER V.—MUNICIPAL CORPORATIONS.

A CORPORATION generally is a collection of individuals united in one body and endowed by special act, either of the Crown or of the legislature, having the means of continued identity as such, with the capability of holding property, and contracting liabilities, belonging or attaching to them in common, as members of such body, and to each member in proportion to his share or interest in the common stock; having, further, the right of suing and being sued in their common name, of binding themselves by their common seal, and being considered in law for all the common purposes of its institution as a single person.

The word corporation, with the addition of sole, is also applied to single persons holding for life an office in itself perpetual, to which are permanently attached property and rights to be enjoyed and exercised by the successive holders of such office—as, for instance, a parson is a corporation sole; another division of corporations is into lay, ecclesiastical, and municipal, according to the purposes of their institution.

The latter, of which we now treat, is a corporation aggregate, established for the purposes of municipal government, within certain limits, usually those of a pre-existing borough; and is, in fact, the successor appointed by charter, to exercise or enjoy the municipal franchises anciently vested by charter or prescription, in the burgesses or borough officers; so that a short view of the history and constitution of boroughs is a proper, and, in some respects, necessary introduction to the subject of municipal corporations.

The word borough is most commonly derived from the Saxon *borg*, signifying an enclosed place; as it appears from the most ancient records that most, if not all, boroughs were originally enclosed by a wall, and the primary object which led to the formation of boroughs was probably protection to the trading part of the people, by means of such enclosures. Others, however, derive the term from a Saxon word similar in sound to the former, signifying *pledge*, and properly applied to the associations for mutual responsibility required by the Saxon law; in which sense it is used in the words head-borough and free-borough; and may not improbably have been transferred to the larger association, of which we now treat. Apart from its derivation, the term has been and still is employed to signify a town of sufficient importance to have obtained, either by charter or by prescription,

which implies a grant, a separate existence as a community; *i. e.* having within itself, in a greater degree than the ordinary rural divisions, the power of self-government, and possessing or being subject to a special jurisdiction, in some matters, whether constituted or not by its own appointment.

Communities of this sort must have arisen in this country, and, indeed, in every other, so soon as the distinction was well established between the habits and habitations of the agricultural and trading parts of the population; but our historical knowledge of them begins with the Romans, who introduced their own municipal system into many of the larger towns of this kingdom, whether of Roman or British origin; such as York, Verulam, London, and Chester. These, however, were for the most part either destroyed or remodelled by the Saxon conquerors; who substituted in their stead their own burgh, the root, as well in constitution as in name, of the English borough. These again, particularly in the north and some of the midland counties, underwent great change, and suffered, in some cases, total ruin, at the hands of the Danish invaders — a people averse from trade and trading communities, who laid waste many then flourishing towns, and dispersed their inhabitants, founding in their stead only five boroughs of purely Danish origin — Derby, Nottingham, Leicester, Lincoln, and Stamford. The Danish population of these towns was in its turn dispersed by the Saxons, though traces were left in them, as in some others, of Danish innovations, of which the distinguishing feature was the substitution of an hereditary for an elective magistracy. Little, however, is to be found concerning the internal state of boroughs in the historical remains of the times preceding the Conquest; and though charters were granted to some boroughs by the later Saxon kings, Domesday Book is the first authentic record from which any comprehensive and coherent account of their general condition, and that not without the aid of contemporary and subsequent documents, can be derived.

From these, it would appear that under the name of boroughs, which applies also to cities, and of which 82 are mentioned in Domesday Book, there existed, at the period of the Conquest, a variety of communities differing greatly in extent of power, and in their degree of independence on the general government: some few were, like London, almost separate, though tributary republics; being, however, upon the whole, sufficiently similar in their character and constitution to fall within the same general description. To speak then only of the common features, a borough, in these early times, was a trading community, that is, a community established for the purpose of supplying to the neighbourhood the common articles of manufacture or commerce; being for this purpose endowed with the necessary franchise or license of holding a fair or market within its precincts, and possessing, further, that degree of jurisdiction within itself which was requisite for the maintenance of internal tranquillity, and which exempted it from the burthen of attendance upon the court of the hundred, and from all duties and liabilities incident to other inhabitants of the hundred as such. It was this latter exemption that seems to have constituted a borough, for the franchise of a fair or market was common to them with many other townships; but every borough took

rank as a hundred, and had within itself the same court leet which belonged to all hundreds; that is, a court for the trial of petty offences, and the presentment of nuisances; to which was also usually attached a court of view of frank-pledge, to which all freemen within the district were bound to do suit, and there enter their pledges for good behaviour. Such jurisdiction, though exercised for the convenience and with the assistance of the burgesses, was, according to the ancient constitution of boroughs, exercised by the officer of the King, who was called port-reeve or borough-reeve, or, in some cases, by the deputy of the lord of the leet, under the name of bailiff (a word, in its original meaning, equivalent to *lessee*). In each of these cases, the fines and perquisites of the jurisdiction, which led to the administration of justice being considered as a property, belonged to the King or lord on whose behalf they were levied. In some boroughs which, even in those early times, were of sufficient size to be divided into wards, the alderman of each ward (an officer usually elective, but in some cases hereditary) exercised, in conjunction with the reeve, the jurisdiction of the leet. In addition to the lord of the leet, who, in most cases, was the King, there was the lord of the borough, that is, of the land of the borough; and it is observable, that in this sense the borough might belong, from the effect of partial alienation, to different lords; or, at any rate, different parcels of it might be the property of different lords; which is the meaning of the repeated entries in Domesday Book, of such a one having so many burgesses in such a place, and another so many others, also in the same place; though, even in such cases, they continued in some respects, as, for instance, in respect of any common land which belonged to them as a community, to hold of one lord, and all of them, in the last resort, held their franchises of the King.

A borough also, as part of a manor, or as being itself a manor, was subject to the baronial jurisdiction, in civil matters of small importance, of the lord of such manor; and, if the borough comprised, wholly or in part, several manors, then to the jurisdiction of the lords of such several manors.

The incidents of tenure in borough lands were originally the same as in other lands; but, whether from the smallness of their subdivisions, or from the nature of the employments in which their occupiers were engaged, they escaped from the imposition of the feudal or military service, and burgage tenure retained, as stated in our law books, the character of the ancient tenure in common socage; that is, tenure by rent or service certain.

Taking together in one view the incidents of jurisdiction and of ownership, and also of other franchises exercised within the borough, but belonging to some lord, the revenue arising from a borough, and consequently the out-goings to which the burgesses were liable, consisted, as enumerated by Maddox in his treatise on the *Firma Burgi*, of the rent or custom payable for each tenement singly, as well as that which was levied from the borough at large under the name of *gabel;* which is not to be confounded with the taxes occasionally imposed, the tolls of fairs and markets, the profits of aldermanries, the fees and perquisites of courts. These were generally levied by a bailiff, acting

on behalf of the King or other lord of the borough or franchise, and assisting in the exercise of the borough jurisdiction.

It became usual after the Conquest to grant out these revenues to the whole, or to a part only, of the community, either for ever at a free farm rent, or for a term of years. Such grant, more particularly if made to the whole burgesses, was a species of enfranchisement, and carried with it the right, if not before enjoyed, of appointing the officers who were to exercise the jurisdiction and collect the profits which had thus become the property of the borough. The titles of the officers, who had previously acted on behalf of the King or other lords, under the name of reeve and bailiff, continued to be retained (in many instances as to that of reeve, and in most instances as to that of bailiff) till the final remodelling of the municipal system, with the common addition of mayor, — a new municipal officer, supposed to be acting on behalf of the Crown, whose name originally denoted the chief or senior alderman of the borough. The functions also of such of the old officers as were still retained received different modifications in different places, so that the same office did not imply the same duties and station in one borough which it did in another.

These grants were usually accompanied with charters confirming or defining the ancient franchises, and conferring new ones; such as immunity from all the King's tolls, of which the grant seems to have constituted a *free* borough, as distinguished from a borough simply. This immunity belonged originally, without any grant, to all boroughs which were part of the ancient demesnes of the Crown; and it extended, in this case, to all tolls, whether levied by King or subject. Exemptions from certain rules of common law were also, in some cases, granted by these early charters; as, for instance, the right of devising property within the borough: but the descent of land to the youngest son, in exclusion of the elder brother, which prevailed in some boroughs, was founded, not on charter, but on the peculiar custom, called Borough-English. From the charters of this period originate, for the most part, the civil jurisdiction exercised by municipal officers in a court of record; and many extensions also of their criminal jurisdiction date from the same time; though it was not till the reign of Richard II. that a commission of the peace, and the right of holding general and petty sessions, were granted to any borough. A city only differed from a borough in being the seat of a bishop, who, in the Saxon times, possessed an extensive jurisdiction, both civil and criminal, and assisted the earl, or sometimes supplied his place, in presiding over the county court. Some cities, and even a few boroughs, were, from time to time, raised to the rank of counties; that is, were, in all points of jurisdiction, entirely exempted and made distinct from the county in which they were situate, and had within themselves a court in the nature of a county court, held by their own sheriffs. The parliamentary franchise by possession of a freehold existed also, along with the various borough franchises, in such towns or cities, of which there are now seventeen in England and two in Wales.

There is reason to believe that all persons of free condition, possessing a tenement within the borough, residing within its limits, and contributing to its common charges, were originally (according at least to Saxon usage) entitled to be placed on the roll of bur-

gesses, at the court leet of the borough. But the disproportion between the number of houses and that of burgesses in the same places, as severally recorded in Domesday Book, is too great to admit of the belief that such right was at that time generally acted on. It is, however, not improbable that the right may have been in such places impaired, by neglect on one side, and usurpation on the other; considering that the advantages and burthens incident to burgesship may have been in such boroughs as had little traffic very nearly balanced. The right may also have been, even at that early period, restricted, either to the tenants of houses situate within the ancient limits of the borough (which might be very different from those of the borough as it afterwards existed under the same municipal government), or to the tenants of houses built upon the foundations of those possessed by the original burgesses, to whom and to whose *heirs* the franchise had been granted. It may also, not improbably, have been confined to the sons of burgesses. It appears, however, that free persons, residing or coming to reside within the borough (and villains having dwelt in the borough for a year and a day, unclaimed by their lords, stood upon the same footing), were frequently admitted, if not to the full burgesship, at any rate to a considerable share of the borough franchises; subject to the condition of inhabitancy and contribution to the common charges, and usually also upon payment of some fine. So also similar rights were acquired by apprenticeship, or service in trade for seven years, to one already free of the borough. But apprenticeship is not mentioned in any statute before the reign of Edward II.; and the franchise acquired by that means, and in the way immediately before mentioned, was more probably that of member of the guild merchant than that of burgess.

The guild merchant, which existed in most boroughs of any importance, and which has been held by some writers to have constituted the borough itself, was an association, by license or charter of the Crown, of all trades within the borough; — it was, in fact, an incorporation for trading purposes of the borough itself. Its members being possessed of peculiar privileges, and having also, in some matters relating to trade, the benefit of a separate jurisdiction, exercised by their own officers in their own guildhall, generally succeeded in engrossing whatever privileges and jurisdiction originally belonged to the burgesses; so that the borough itself became lost, and merged in the guild merchant. The substitution of the title of freeman for that of burgess, which took place in many boroughs, appears to have been the consequence of this change, and to have originated in the custom of admitting the free inhabitants or residents, either after apprenticeship, or in the way of purchase, to be members of the guild. After the consolidation of the borough with the guilds merchant had rendered such admission equivalent to enrolment on the burgess list, the right of conferring, in this way, the freedom of the borough devolved upon the mayor, in some instances alone, in others conjointly with other municipal officers; but it is difficult to say how far such power was discretionary in their hands.

In many places a similar right to the burgesship, or freedom of the borough, was successfully asserted by the guild of separate trades, —

associations distinct from the guild merchant, and apparently similar to the colleges of workmen among the ancient Romans. This was particularly the case with the city of London, for here the rights of burgesses or freemen have long been the exclusive possession of the liverymen of the different trading companies; though the old division into wards, and the mode of election according to wards, still subsists. In the cities of the Continent, particularly of Germany and Belgium, where the collective municipal body, though originally mercantile in its objects and composition, had risen to the rank of a territorial community, and affected in some degree towards the subordinate companies the usages of a feudal sovereign, such struggles between the senate, or council of the town, and these guilds, were of greater frequency and importance: in England, though not uncommon, the contests have been for the most part unnoticed.

The freedom of the borough, being thus engrafted upon what were originally trading rights, whether belonging to the members of separate guilds, or to those of the guild merchant, remained, like those prior rights, and possibly also the ancient right of burgesship, transmissible by descent, though with many different modifications of the inheritable right; as, that the freedom in some places was confined to children born within the borough, in others, to those born since the acquisition of freedom by the father; in many others the right descended upon the eldest son only. The acquisition of freedom by marriage with the daughter of a freeman, which was very commonly allowed, arose from the right by descent.

The charters granted previously to the time of Henry VI. in no way pretended to regulate the internal constitution of boroughs. They were simply grants of such franchises as have been described to the men and burgesses of such a place, and either to their successors or heirs; leaving it to the grantees to settle among themselves the repartition and administration of these franchises. The consequence of thus leaving matters to take their natural course was that small, and in many cases self-elected bodies, under various shapes and designations, assumed to themselves the administration, if not the exclusive enjoyment, of the immunities and property bestowed on all. The pretext, as well as the mode of accomplishing usurpations, seems to have been found in the ancient constitution of the borough leets, of which the jury, whose business it was to authenticate the title and to accept the enrolment of each burgess, might easily be converted into, or at any rate afford a precedent for, the institution of a permanent body of select burgesses. These, co-operating with the ancient borough officers, and those of the guilds or guild, ultimately succeeded, in many places, in assuming, not only the power of municipal government, but the right of declaring who should be entitled to any share in the municipal constitution.

The right of returning members to parliament, exercised for the first time by boroughs in the 26th of Edward I., became in many cases, and with corresponding variations in the mode and extent of restriction, the subject of similar monopoly; the usurpation in this instance being carried on with more ease, as the privilege was at first viewed with comparative indifference; and being probably assisted by the prevalent practice of a few principal burgesses signing the

return on behalf of the whole. Seventy-five boroughs were originally summoned by Edward, but he afterwards extended the franchise to thirty-three others.

In the reign of Henry VI. a considerable alteration took place in the style of borough charters. It was then, it is said, that charters of incorporation were first granted: not but that boroughs had virtually before that time the two distinctive privileges of a corporation, viz. the holding land in succession, and the right of suing and being sued in a common name, and by some acting on behalf of the whole; but, with the progress of jurisprudence, and the introduction of a greater strictness in the discussion of legal rights, it probably became neither convenient nor safe, in many cases, to trust to usage and prescription for the enjoyment of such corporate privileges.

Hence the great and, in some cases, the sole purport of the charters of this and the subsequent reign, was to grant to the men and burgesses of such a place to be a corporation, with the use of a common seal, the capability of holding property in succession, and the right of suing and being sued by their corporate name. Such charters of incorporation generally included the mayor, bailiffs, and burgesses, with the addition, in many cases, of the "inhabitants;" without specifying who were burgesses, or laying down any rules for the government of the borough or corporation; save only, that they prescribed, as did also former charters, to whom the jurisdiction which they created or increased should be committed. It appears, however, that no charters of incorporation, strictly so called, were ever granted to many boroughs; unless we allow that character to several charters dated previously to Henry VI.; for the charters of incorporation enumerated in the work of Messrs. Merewether and Stephens, as having been granted in that reign, and subsequently to it, amount only to 140; while the number of boroughs having municipal corporations, as set forth in the Report of the Commissioners, hereafter mentioned, is 236.

It was not till the time of the Tudors that it became usual to grant what are called governing charters, — that is, charters regulating the internal constitution of the borough, or rather, the corporation to which the borough at large was made subject in all points of municipal government.

The general object of these charters, more particularly of such as date from the reign of Henry VIII., was to create, or, more properly speaking, distinctly to recognise and sanction, the exercise of all the old borough and new corporate rights, by a small and for the most part self-elected body, whose numbers were in many cases actually limited by the terms of such charters. It is, therefore, to this period that we may refer the final establishment of that system of municipal government, of which the powers were usually vested in a mayor and common council; the latter generally consisting of aldermen and common councilmen: the aldermen being nominated out of and by the rest of the council; and the common councilmen being either nominated by the whole council, or by the aldermen. The most important of the other corporate officers were the recorder or judge, the chamberlain or treasurer, and the town clerk or attorney of the corporation.

These select bodies not only engrossed the municipal power, but the very name and being of the corporation. The freemen and commonalty of burgesses ceased to be considered as members of the corporation, though they still retained their valuable rights and exemptions, and possessed, in a greater or less degree, rights of election and eligibility to municipal offices.

The further effect of such a change was to vest in the new corporate body the common property of the borough; both such as had originally belonged to it, and such as had at any time been added to it, under the vague and general description of burgesses or men of the borough; but this property remained subject to any charges for the benefit of the burgesses or freemen which usage had established; and its amount was small compared with what was acquired by the corporations after their distinct and separate existence had been finally acknowledged. Indeed, the greater part of the property actually vested in municipal corporations, both as their own or upon charitable trusts, was acquired between the reign of Henry VII. and the Revolution,—a period fertile in all sorts of charitable and corporate foundations. The right of making by-laws, and of taxing the inhabitants of the borough for the purposes of paving, lighting, and police, passed also to the corporation by virtue of their new charters. But the most important, and, as it afterwards turned out, the most abused of the powers to which they succeeded, was that of admission to the privileges of burgesses or freemen.

The different modes of obtaining such admission in more ancient times have already been pointed out. The governing corporations, which succeeded to the older municipal bodies, continued to recognise such claims to participate in municipal rights as rested upon personal qualification, such as birth and apprenticeship, and had been firmly established by local custom; though in some places a farther condition of election was imposed upon persons so qualified, and in many others a fine was exacted from them on admission. But the corporations, while they recognised more or less fully these rights, assumed to themselves a discretionary power (which probably had been long growing up in many places to the exclusion of all other rights to admission) of admitting to the freedom or burgesship whom they liked, whether resident or not, and whether upon free gift or purchase; and this power was finally so used as to diminish very much the number of freemen or burgesses, and to secure the paramount influence of the corporation. In some places, indeed, particularly such as had not been anciently boroughs, or had not possessed a merchant guild, or any separate guild, there were no burgesses or freemen besides the ruling corporation itself; and in others there were no means of acquiring the freedom except by election of the corporation; while, on the other hand, in some few places the municipal rights remained common to all inhabitant householders. Upon the whole, the general operation of the governing charters was not only to increase the power of the select few, but greatly to restrict the numbers of the commonalty of the borough; and there is good reason to believe that the motive which induced the Crown to co-operate in such a course was to confine the parliamentary franchise within the same narrow limits as the municipal; or, at any rate, virtually to place it at the disposal of the

governing corporate body, which, it was hoped, would be more easily subject to the control either of the ministers of the Crown or of the great noblemen in the interest of the court. The belief in this motive is strengthened by the circumstance, that during the period to which we refer many insignificant places were raised to the rank of parliamentary boroughs; and it became usual for the nobles, whose feudal power had greatly declined, to connect themselves, under the name of high steward or by the office of recorder, with the boroughs in the neighbourhood of their possessions.

Such attempts on the part of the sovereign to limit the right of election, where it was before enjoyed, were successfully resisted by the House of Commons in the time of James I.; the celebrated Committee of Privileges, presided over by Serjeant Glanville, having resolved, and the resolution being adopted by the House, that crown charters, so far as they assumed to modify the parliamentary franchise, were altogether void. The principle, however, was only applied practically to such cases as were brought before the House upon petition; and even as to them it left untouched various limitations of the elective rights, which usage had in a manner sanctioned; while in other places it had established an extension of the rights beyond the pale of burgesses. The parliamentary franchise then was still left (and remained till the great and general change recently effected) a matter not so much of general law as of local custom; of which the following were the most remarkable varieties.

There was, first, the right by inhabitancy, which belonged either to all persons of full age habitually resident, or to all inhabitants procuring their own diet, who were called potwallers, *i. e.* pot boilers; or to all inhabitants paying "scot and lot" (of which the meaning in later times has been held to be "the parochial rates"); or lastly, to all inhabitant householders, — exclusively, in each case, of servants and lodgers.

There were next the rights by tenure, which belonged either to freeholders of property within the borough, in some instances of the value of 40*s.*, and in others without any restriction as to value. (This freehold franchise is said to have existed in nearly one eighth of the boroughs in the kingdom.) The other species of franchise by tenure was that of the burgage holders; which is said by Blackstone to have existed in twenty-eight boroughs; a burgage being for this purpose an undivided and undividable tenement, which has immemorially conferred upon its possessor, having a freehold interest in it, the right of voting. The third class of franchise is that depending upon personal qualification, which belonged generally to the governing corporate body, as it did in many cases exclusively; but more commonly to them in common with the burgesses or freemen, who were a part, or at any rate an offspring, of the corporation; or to the freemen of particular guilds not connected with the corporation, as was the case in the city of Wells.

Most of these different franchises might, and many often did, co-exist in the same borough; while in other cases there was but a single species of franchise, created either by usage, or by successive decisions of the House of Commons, from the era of Glanville to the present day. From that time the municipal franchise of boroughs

becomes very distinct from the parliamentary; the right of the Crown to modify by its charters the municipal franchise, which originally had proceeded from it, was not then called in question; nor were there in fact any parties interested to contest it; as those, to whom the expressly restrictive charters were granted, had already succeeded in engrossing those rights and franchises which had been more vaguely conferred by older grants, and might therefore, not without some reasonable pretence, assume to surrender them. This scheme of narrowing the basis of the corporate constitution continued to be pursued by the Crown and corporate bodies jointly till the Revolution; at which epoch it had reached its height, being established, with few exceptions, and in different degrees of closeness, in every incorporated borough in the kingdom.

No particular event of great note in the history of corporations occurs during this period till the reign of Charles II.; shortly after whose restoration were passed the Test and Corporation Acts, with the immediate object of excluding from corporations the Presbyterian party, into whose hands they had mostly fallen during the Commonwealth. The latter end of the same reign is still more remarkable for the issuing of the celebrated writs of *quo warranto;* an attempt on the part of the Crown to subject corporations to its control, by forcing them to surrender their charters and accept new ones, in which the right should be reserved to the Crown of nominating and removing the chief corporate officers. The attempt had already succeeded, in some few instances, in the earlier part of the same reign. The particulars of this struggle, or rather aggression, which was more liable to censure on constitutional than on legal grounds, belong to the general history of the country; it is sufficient here to say, that after a great majority of corporations of considerable towns had, either through fear of the Crown, or want of confidence in the integrity of the judges, or from less excusable motives, surrendered, or forfeited by non-appearance, their corporate existence, and had in many cases accepted such new charters as the Crown chose to confer on them, a proclamation was issued by James II., on the eve of his deposition, by which all such new charters were recalled; all the old ones, of which the surrender or forfeiture had not been legally completed, were revived, and such as had been cancelled were regranted. This proclamation, which, though failing of its immediate object, was allowed, subsequently to the Revolution, to have the force of law, replaced the corporate system on the same footing as before the beginning of these proceedings. It is, however, worthy of remark, that some few places did not accept their old charters, but continued boroughs without a corporation; and these transactions are further important as having given rise, on more than one occasion, to a full discussion of the principles of corporate law, which established that a corporation might either surrender by its option, or forfeit by its misconduct, its franchise and its very existence.

During the period which elapsed from the Revolution to within these few years, little or no change took place in the municipal constitution of corporations: indeed, they appear but little in history in their municipal character; but their political importance, as rulers of boroughs, then rose to its greatest height, with the rapid increase of the

power of the House of Commons. The habitual connection of corporations with some powerful family, residing or having possessions in their vicinity, has already been pointed out. In the period of which we now speak that connection had been so long established, and its ties had been drawn so close, that many boroughs, in which either the elective franchise was literally confined to the members of a close corporation, or in which the influence of such a corporation was beyond all dispute paramount, became, in reality, the property of private families, and, as such, a source of revenue, and a subject of sale. These were called close boroughs. In other places, where either the corporation itself was popular in its constitution, or the elective franchise too widely diffused to be under its control, there prevailed a practice of open bribery, which was carried to the height of a regular traffic in votes. These were called rotten boroughs, though very few were so shameless in their venality as not to retain some political preference. The richer and more populous boroughs belonged, of course, to neither of these classes; and many of the middling corporations retained a considerable share both of independence and integrity. The direction in which that power was exerted was, of late years, decidedly favourable to the views of the Tory party; partly from the natural leaning of corporations, which were oligarchical in their own constitution; partly from the accident, if it could be called so, which had connected most of them with families of Tory opinions; partly also, from the effect of the laws before mentioned, under the name of the Test and Corporation Acts, which, nominally at least, confined their privileges to members of the Church of England.

The Test and Corporation Acts were repealed in 1828. The Reform Act, 2 & 3 W. IV. c. 45., deprived fifty-six boroughs, the lowest on a joint scale of population and property, of the right of returning members, and one member only was left to thirty others; while, on the other hand, twenty-four of the most important towns hitherto unrepresented were endowed with two, and twenty others with one representative: and in all boroughs, the old as well as the new, the elective franchise was given to householders of the yearly value of 10*l.* and upwards, with the reservation in the old boroughs of the parliamentary rights of freemen, subject to the condition of residence; and with the further proviso, that none should for the future become freemen for this purpose but by birth or servitude; but all rights of voting before acquired, in whatever way, were saved to their present possessors, with the further condition of residence. The municipal constitution of boroughs was as yet untouched; but in the year 1833, a royal commission was issued, in compliance with an Address of the House of Commons, to inquire into the state of the municipal corporations of England and Wales. The commissioners to whom it was directed, early in 1835, presented their Report, of which the following are the most remarkable statements and results: —

That the borough franchises and property were, with few exceptions, vested in small, and for the most part self-elected corporate bodies, in such manner as before mentioned.

That the freemen or free burgesses, where there existed such a class, were not usually considered as members of the corporation, though having in almost all boroughs, in a greater or less degree, certain

rights of election and eligibility to corporate offices. That they were generally but a small, and often the least wealthy and independent part of the population of the borough; in proof of which it was stated, that in sixteen of the most populous boroughs having corporations the aggregate population of all was 659,431, while the whole number of freemen was only 34,697; the proportion between the two numbers being nearly as that of 19 to 1; but allowance should be made in the larger number for domestics and women.

That the higher corporate officers were considered as a necessary part of the legislative body. That there were in all corporations inferior officers, whose functions had altogether ceased, but who nevertheless continued to be elected in compliance with the letter of their charters.

That the *jurisdiction*, arising as it did from particular charters, in which no general system had been followed, varied in many places inversely to the population and importance of the places in which it was established; being most extensive in many of the smaller boroughs, most restricted in some of the largest.

That the *property* of corporations consisted of lands, tithes, and other property of the same description. That they had also revenues arising from the tolls of markets and fairs, from duties on export and import of goods, usually called town dues; from quay dues, and anchorage dues; from fees payable on admission of burgesses and officers, and from fines imposed for refusal to serve in corporate offices. That such property was not generally adequate to the fulfilment of municipal purposes; and that in some places a borough rate, in the nature of a county rate, was levied from the inhabitants in order to supply the deficiency. That in parliamentary boroughs, the municipal expenses had been in many instances, either wholly or in part, defrayed by the patron of the borough. That since the passing of the Reform Act this assistance had been discontinued in such boroughs as had been disfranchised, and that in consequence some of these boroughs had ceased to maintain any municipal institutions whatever. That the corporations had also in many cases property vested in them upon trust for charitable purposes; and had, moreover, considerable patronage, both lay, as of schools and hospitals, and ecclesiastical, as of livings.

That the *freemen* had, in many cases, claims upon the property vested in the corporation, in the shape of rights of common, &c. &c., and were entitled, in some places, to pecuniary assistance upon certain occasions. That they were also generally entitled to exemptions from tolls and town dues; and had in some places exclusive rights of trading. That the freemen commonly, and in some places the inhabitants at large also, claimed to be exempted from serving upon county juries, to which they would otherwise have been liable as freeholders of their respective counties.

With regard to the mode in which such powers, franchises, and property were exercised and administered, it appeared from the Report—

That the power of making *freemen*, so far as it was discretionary in the corporation, was chiefly exercised by them, and that the freedom also was commonly claimed, for political purposes; as was shown by

the great increase in the number of admissions, which generally took place on the approach of a general election; which was evidenced by a table containing the aggregate number of freemen admitted in 128 principal boroughs, exclusive of London and Preston, from the year 1800 to the year 1831, the lowest number admitted being 1256 in the year 1808, the highest 10,797 in the year 1826. That the freemen were in many instances selected from the poorer and more dependent classes.

That evil had arisen from the union of offices not properly compatible, as that of mayor with that of magistrate or that of coroner. That in the appointment of corporate officers, as well those having jurisdiction as others, more regard was paid to the party claims than to the capacity of those selected.

That improper and incompetent persons had been in many instances intrusted with the exercise of the corporate *jurisdiction;* and that, in consequence of this and other causes, such as the unwillingness of the corporation to undertake responsibility, the suspicion of partiality attaching to the juries selected from the freemen, the expensiveness of the proceedings in civil matters, and in criminal matters the bad state of the borough gaols acting upon the humane feelings of prosecutors, such jurisdiction had, in most places, excepting those in which it was exclusive, fallen into comparative disuse.

That in the disposal of their *property,* corporations did not, except in very few instances, recognise any obligation to apply it to public purposes, though in practice many corporations had undertaken works for the general benefit of the borough. That in most instances the property of the corporation was, to a greater or less extent, and, either directly or indirectly, administered for the benefit of the members of the corporation and their families. That much of it was consumed in feasts or entertainments, or in extravagant salaries to the corporate officers; and that in some instances the corporate funds had been largely applied for electioneering purposes. That apart from any corrupt application, the expenditure of corporate funds had been very generally improvident; and that many corporations were considerably in debt. That the funds vested in corporations for charitable purposes had been very commonly, wholly or in part, misapplied and diverted to the use of the corporation; and that, in the selection of objects of charity or patronage, undue regard had been paid to the votes or political services of applicants; and that they had in other respects neglected the proper superintendence of the charities subject to their visitation.

That the corporations had very generally proved inadequate duly to fulfil such purposes of local government as police, paving, and lighting; and that the management of these matters were, particularly in the larger towns, usually committed to distinct bodies appointed by act of parliament.

The commissioners concluded their report by representing that the existing municipal corporations of England and Wales neither possessed nor deserved the confidence of his Majesty's subjects, and that a thorough reform must be effected in them before they became what they ought to be, and might become, useful and efficient instruments of local government.

Founded upon this Report, a bill was, early in the session of 1835, introduced by the administration into the House of Commons; which having been the subject of much discussion, and having encountered great opposition, and undergone considerable alteration in the House of Lords, was finally passed into a law on the 5th of September in the same year. By this act, which embraces in its provisions 178 of the municipal corporations of England and Wales, and which came finally into operation on the last day of 1835, the actual corporation in every place to which it applied was dissolved, and replaced by a municipal body consisting of mayor, aldermen, and burgesses, which was thenceforth to be the style of all such municipal corporations, and of which the constitution and form of government are regulated by the following provisions: —

All who for three years have occupied a house or shop within the limits, and who, during that period, have habitually resided within seven miles of such limits, and have also during the same time been rated to the poor of some parish in the borough, are entitled to be placed on the list of burgesses. These elect the councillors, whose qualification for the office in boroughs divided into four or more wards is 1000*l.* capital, or to be rated at 30*l.* annual value: in boroughs of inferior size, half these sums respectively. The number of councillors is fixed by the act for each borough, and one third of them go out of office every year. The councillors elect aldermen, whose number is one third of that of the councillors, in conjunction with whom they compose the town council. Half of the aldermen go out of office every third year: out of the aldermen the council elect the mayor, whose office is annual, with a capability of re-election, and whose business it is to preside over the council.

To this town council, composed of mayor, aldermen, and councillors, are transferred the municipal powers and functions of the corporation which they succeed, curtailed in some respects, extended in others. The curtailment is chiefly as to the jurisdiction, which is no longer to be exercised by the officers of corporations, save by express delegation of the Crown: according to the provisions of this act, which empowers the King to issue his commission of the peace to 128 boroughs named in it, without any expression of a wish on their part, and to 50 others also named, upon special petition from them. The King is also empowered to appoint, upon like petition from any borough, a police magistrate, with a salary to be first provided by the town council out of the borough funds, and also to nominate a recorder in such boroughs as shall present a petition in that behalf, showing sufficient ground for the request, and stating the salary they are willing to pay; such recorder, who must be a barrister of five years' standing, to have the power of holding quarter sessions, in which he is to be sole judge, equal in extent of jurisdiction to the quarter sessions of a county.

The municipal functions of the new town councils are increased by the cessation of the powers conferred by local acts for paving, lighting, and police; the latter power, which is committed to the hands of the mayor and a sufficient number of councillors, being specially made subject to the control of the Secretary of State for the Home Department.

In the town council also is vested the whole of the property of the old corporation, except tolls, which are abolished, to be administered by them, as well as any proceeds which may accrue from the corporate jurisdiction for the general purposes of the borough, and subject to the control and inspection of auditors appointed by the burgesses at large. But the town council were required to sell all advowsons, in order to avoid religious animosities, and to appoint trustees of all property held by them for charitable uses.

One only of the ancient franchises is left untouched: that is, the parliamentary rights of freemen or free burgesses, as retained by the Reform Act; and in addition to this, all rights of property and valuable exemptions are reserved to existing freemen, and all rights of property simply to all who shall hereafter become freemen by birth, marriage, or apprenticeship, though no longer entitled as such to any place in the municipal constitution. It was further provided that all officers of the old corporations, such as town clerks, bailiffs, treasurers, or chamberlains, discontinued by the new town council, should receive compensation, regard being had to the manner of their appointment, and their term or interest in their office.

By this act a power is reserved to the Crown of granting charters to boroughs or towns not incorporated; and such power will doubtless, when occasion arises, be exercised in accordance with the system just described.

	Number of Boroughs first mentioned in each Reign as being in England.	Charters of Incorporation granted in each Reign.	Boroughs summoned to Parliament in each Reign.	Number of Municipal Boroughs in each County according to first Table.
William I.	78	-	-	Bedfordshire - 2
William II.	-	-	-	Berkshire - 5
Henry I.	4	-	-	Buckinghamshire 6
Stephen	1	-	-	Cambridgeshire 1
Henry II.	3	-	-	Cheshire - 1
Richard I.	8	-	-	Cornwall - 24
John	24	-	-	Cumberland - 4
Henry III.	24	-	-	Derbyshire - 1
Edward I.	53	-	107	Devonshire - 21
Edward II.	16	-	24	Dorsetshire - 8
Edward III.	27	-	33	Durham - 3
Richard II.	-	-	-	Gloucestershire - 4
Henry IV.	2	-	-	Huntingdon - 1
Henry V.	-	-	-	Hampshire - 18
Henry VI.	4	10	5	Hereford - 6
Edward IV.	2	10	2	Hertford - 4
Richard III.	-	6	-	Kent - 12
Henry VII.	-	-	-	Lancashire - 6
Henry VIII.	-	6	16	Leicestershire - 1
Edward VI.	5	12	27	Lincolnshire - 5
Mary, and Philip and Mary	7	13	-	Middlesex - 2
Elizabeth	13	24	21	Monmouth - 1
James I.	3	26	7	Norfolk - 6
Charles I.	-	12	1	Northampton - 4
Cromwell	-	1	-	Northumberland 6
Charles II.	1	1	2	Nottingham - 3
James II.	-	13		Oxfordshire - 7
William and Mary	-	-	245	Shropshire - 6
Anne	-	4	This number had, previous to the Reform Act, been reduced to 214, of which 202 in England, 12 in Wales. Since the passing of that Act there are 187 Parliamentary Boroughs in England, and 13 principal Boroughs in Wales.	Somersetshire - 19
		3		Stafford - 3
	275 add 1 Borough by prescription.	150		Suffolk - 8
				Surrey - 8
	276			Sussex - 11
				Warwickshire - 3
				Westmoreland - 1
				Wiltshire - 21
				Worcestershire - 8
				Yorkshire - 20
				Cinque Ports (omitted before) - 3
				276

The above table is made out from those in Messrs. Merewether and Stephens' valuable work on boroughs; and is useful as showing the

successive growth of corporations and boroughs. But as many of the places to which it refers have fallen into decay, it is not applicable to their present condition; upon which more recent and accurate information may be found in the Appendixes to the Report of the Corporation Commissioners, according to which it appears

That the number of municipal boroughs in England and Wales, concerning which they instituted any inquiry, was - -		285
Of which England had 231, and Wales 54.		
Of these there were, in England, towns counties in themselves -		17
Ditto in Wales - - - -		2
And of the whole there were, parliamentary and municipal, in England - - - - - - -	137	
Ditto in Wales - - - - - - -	41	
Municipal only in England - - - -	94	
Ditto in Wales - - - - - - -	13	
		285
In addition to these 285 municipal boroughs, there were		
Boroughs that were parliamentary and notmunicipal, in England (of which 22 existed before the Reform Bill.)		53
Ditto in Wales - - - - -		16

Of these 285, 39 are stated by the commissioners to have been municipal only in name: of the remaining 246, no accounts were received from 8, and 1 (London) was not included in the Report, leaving 237, of which the total population is stated to be 2,028,613. The aggregate property of 315 (there being in 17 no property, and 5 in which it could not be accurately stated) was, per annum, 366,948*l.* 10*s.* Of this sum, that of the boroughs on the northern circuit of the Commissioners amounted to 94,703*l.*; and that of those on the north-western to 100,704*l.*

CHAPTER VI. — Constitution, Courts, etc., of Scotland.

Sect. I. *Constitution and Representative System of Scotland.*

From the earliest period to which Scottish records ascend, the form of the monarchy is limited. The King acts with the concurrence of of his Great Council, which, as in England and other nations, was originally his Feudal Court, and formed of those vassals whose duty rather than privilege it was to attend the person of the sovereign. The Scottish constitution, retaining the feudal law of property, always retained the principle, derived from this origin of Parliament, of recognising a right in none but the immediate vassals of the Crown to appear in the National Council personally, or by representatives.

In the earlier Scottish parliaments, where all attended personally, we find the assemblies composed of the prelates, the earls and greater barons, and the lesser barons: the last-named class being those Crown vassals or freeholders, who, as such, formed part of parliament, but had not received any of those honours or titles which distinguished the no-

bility. The right or obligation of appearing by representatives was first granted to a class of Crown vassals, who do not seem to have originally formed a part of the Council, and, indeed, could be admitted only by deputies. These were the Royal Boroughs, the date of whose introduction into Parliament is obscure — some traces of it appearing during the invasion of Edward I. of England, to whom one author attributes their admission; but it is only in the reigns of James I. and James II. that the boroughs begin to appear regularly as constituent members at the meetings of the estates. Representatives were permitted to the freeholders, or lesser barons, by James I., in the year 1427, by a statute which dispenses with their attendance, provided they send from each shire, according to its size, two or more commissioners. This statute seems to have had little effect; and knights of the shire were finally and imperatively established only by James VI., in 1587. Between the rise of the Reformation, and the Revolution of 1688, the spiritual estate was exposed to many revolutions. The Presbyterian form of church government did not require for its clergy a representation in the national council; and as often as Presbyterianism gained the ascendancy, the prelates were expelled from Parliament. At last, in the Convention of 1689, prelacy, and all superiority of office in the church above presbyters, was abolished.

The meeting of estates, which made offer of the crown to William and Mary, was declared a Parliament, and sat and deliberated in the form acknowledged as constitutional. This Parliament consisted of the nobility and the commissioners for the shires and boroughs; but it differed in several important points from the Parliament of England. In the first place there was no separation of the Peers from the Commons — the Parliament formed but one chamber. This mixing up of the two estates in one deliberative body was not remonstrated against, and continued as long as the Scotch Parliament existed; and the Revolution Parliament, and those that followed it, recognised, secondly, a right in eight of the officers of state to sit and vote in Parliament, in virtue of their office. This prerogative of the Crown was conferred or fixed by an act passed in 1617, which enumerated, as the state officers to whom the right belonged, — The High Treasurer, the Treasurer Depute, the Secretary of State, the Keeper of the Privy Seal, the Master of Requests, the Clerk Register, the Justice Clerk, and the King's Advocate. If any of these offices were put in commission, the King was authorised to name one of the commissioners to sit and vote in Parliament. An act of 1633 ratified this statute, and recognised the Lord Chancellor as President of the house; and these arrangements were acquiesced in till the Union. It may be noticed, as a third peculiarity of the Scotch constitution, that the Commons never acquired the right of determining by themselves even on the supplies, though the English Commons had established this right in their representatives. It has been doubted by some antiquaries, whether each state did not vote separately; but, at all events, it seems clear that none had a *veto*. There was another peculiar arrangement, which existed in the Scotch Parliament for at least five reigns, but was denounced by the Convention of 1689 as unconstitu-

tional, and formed the very first article in their list of grievances. This was the committee known by the name of "Lords of the Articles;" a body which, after the Restoration, reduced Parliament to a cipher. After this committee had reached its maturity, the usual plan was for Parliament to meet only two days: the first for the purpose of electing, or having elected, the Committee of Articles, by whom the whole business of the session was transacted; and when its work was over, Parliament met one day more, and ratified the acts which the committee had prepared. The invention was convenient for the barons, who disliked parliamentary debates; and it was perhaps safe, so long as the original mode of choosing the committee was adhered to, which was, that each estate chose an equal number of members of its own body. But the Crown did not long abstain from interfering with what was likely to prove a useful instrument of government. The nomination of the Lords of the Articles was in its hands, perhaps in the reign of Mary, and certainly in that of her son; and although the royal nomination seems then to have encountered occasional opposition, it was conceded to the fullest extent by the Restoration Parliament, and subsisted without alteration till the Revolution. The Crown did not openly choose the members: various artifices were resorted to; the most usual of which was to devolve the task on the bishops. These chose eight noblemen; and these, again, eight bishops; and the sixteen members of the committee so chosen, met and elected eight commissioners for shires, and eight burgesses. And after all this preparation, it would appear that the committee was not complete till an order of the King added the officers of state to it. The Committee of Articles was abolished in the first session of the Parliament, formed out of the Convention, the right of the house being, at the same time, recognised to elect at pleasure committees for all necessary business; the committees to consist of an equal number chosen by each of the three estates; and the Crown to have the power of appointing officers of state to attend in such committees, but without a vote.*

The powers assumed by the Scotch Parliament fluctuated according to the times; but, in its earlier periods, we find it challenging, and allowed to exercise some unusual encroachments on, the royal prerogative. It is asserted that, by the older constitution of Scotland, the King possessed neither a *veto*, nor the power of making peace or war without consent of Parliament. As to the latter branch of the prerogative, it mattered little whether it were recognised theoretically or not, so long as the Crown possessed no standing army; and in Scotland the Crown had none till 1662. The assertion, that the King was bound to ratify, by touch of the sceptre, all acts which the Parliament brought to him, is admitted by James VI. himself, in a speech to the English Commons, in which he congratulates himself that his command of the Lords of the Articles made the limitation quite nominal. The Parliament took advantage of the diffi-

* For further information as to the Lords of the Articles, see *Robertson's Scotland*, Book i.; the note No. 29. in the Work of Dr. Gilbert Stuart on the *Public Law of Scotland*, &c.

culties in which Charles I. was placed, to extort from him, in one of his Parliaments, an insincere acquiescence in this restriction. After the return of his son, neither the one right nor the other was ever claimed by Parliament; and the questions were not again seriously revived. Indeed, with the accession of James VI. to the crown of England, a period begins in which the Parliament of Scotland was weakened by an almost uninterrupted series of attacks, which did not merely repress any undue powers previously acquired by the nobility, but swept away every restraint on the royal prerogative, and every safeguard of national and individual freedom. The acts of the Scotch Parliaments of the unhappy period between the Restoration and the Revolution show no disinclination on their part to giving up the constitutional rights of the nation; and, where it was necessary, a proclamation of the Privy Council dispensed with all parliamentary law.

The different constitution of the English and Scotch Parliaments accounts, in some degree, for the great power which the Commons early attained in the former, and for the little power which they ever attained in the latter. But more stress has, notwithstanding, been laid on this difference of constitution than it seems to deserve. The Commons of Scotland had little power or consideration in Parliament, because they had little wealth and consideration in the country. The towns were quite inconsiderable; and were destitute of any thing worthy of the name of trade and manufactures. The land — the only species of property in the country — was almost entirely engrossed by the nobility, or by their connections and dependents, and continued to be so till after the Union. In consequence, the knights of the shire were merely their nominees; and the representatives sent by the boroughs were too poor and inconsiderable to make any effectual opposition to the Crown or the nobility, whose influence, indeed, preponderated nearly as much in the towns as in the country. In England, the state of things was widely different. At an early period she possessed many large towns, with extensive manufactures and trade. The Commons, in consequence, became wealthy, and purchased large landed property, which, after the passing of the statute of *Quia Emptores*, they held not, as in Scotland, of the alienor, but directly of the Crown. Hence the real source of the decline of the power of the feudal nobility, and of the rise of that of the Commons in England; and hence, also, the different political system, and the different distribution of power that obtained there and in Scotland.

The claim of rights by the Convention of 1689, declaring James to have invaded the constitution and forfeited the crown, was followed by a list of grievances "to be redressed in Parliament;" — a phrase which intimates that the matters complained of had been authorised by oppressive statutes. Besides complaining of the Committee of Articles, and various other grievances, the Estates denounce the keeping up of a standing army in peace without consent of Parliament; they condemn an act which had given the King power to levy taxes on foreign imports at pleasure; and resolve, "that all grievances relating to the manner and measure of the lieges their representation in Parliament be considered and redressed in the first Parliament."

Upon this last declaration, a law ensued in 1690, giving additional representatives to the shires. The old laws, establishing the commissioners for the shires, had given to all the shires, excepting two of the smallest, the power of sending two or more representatives; but at this time it appears to have become quite understood, that no shire was to send more than two, each of whom possessed a vote. The new statute gave two additional representatives each to eleven of the largest counties, and one additional member each to four others; making twenty-six new members in all: so that the full number of knights of the shire was then ninety-two, the counties being thirty-three. Of sixty-six royal boroughs, Edinburgh had, since 1617, returned two members, and each of the other boroughs one.

The Parliament which passed the Act of Union, in the beginning of 1707, consisted of 155 members; but this was a very thin meeting, numbering only 74 nobles, who, by the roll returned to the English House of Peers, were 154 in number.

The Act of Union took effect on the 1st of May, 1707. Amongst other articles, it contained the following: — A union of England and Scotland into one kingdom; the union of the two Parliaments; full freedom of trade; complete uniformity of customs and excise; the fixing of the proportion of land-tax, payable by Scotland, at 48,000*l.*, for every 2,000,000*l.* to be levied in England; the payment of 398,000*l.* to Scotland, as an equivalent for that part of the augmented customs and excise which should be applicable towards payment of the public debt of England; the equivalent to be applied, in the first instance, to the discharge of the public debt of Scotland; a uniformity of public law in the two kingdoms; and a reservation of the Scotch judicatures and private law, of the hereditary jurisdictions, rights of the royal boroughs, and rank and precedence of the Scotch Peers: and, finally, the establishment of Presbyterianism as the national form of church government in Scotland. The Crown was to have the power of retaining a Privy Council for Scotland; but the Scottish Privy Council was immediately abolished; as were the hereditary jurisdictions in 1748, on compensation to the possessors.

The number of representatives to be granted to Scotland, in the United Parliament, formed a difficult question. The English commissioners for adjusting the treaty were firm; while the Scotch commissioners, and a majority of the Parliament, were pliable. England kept all her members of both houses: Scotland was to be represented by sixteen Peers in the House of Lords, and by forty-five Commoners. It is needless to inquire whether the proportion was a fair one: the question was not asked at the time. The transaction was a hard driven bargain: the number of representatives finally given to the Commons was seven more than the English commissioners at first proposed; and the Scotch commissioners, on appearing in their own Parliament with the treaty, found it safest to argue, that the state of Scotland made it necessary to conclude the Union on such terms as could be procured.

The Scotch Parliament proceeded to regulate the mode of choosing the Scotch representatives. The Peers, like the Commoners, were to hold their seats for only one Parliament, and to be elected by their

own body, voting personally or by proxy. Of the forty-five Commoners, thirty were to be chosen by the shires, and fifteen by the boroughs. To each of twenty-seven counties one member was given; while the remaining six were to elect members for alternate Parliaments. Of borough representatives, Edinburgh was allowed to elect one; the other sixty-five boroughs were divided into fourteen districts, each of which united in choosing a member: for this purpose each borough chose a commissioner; which commissioners met and chose the member by a majority of voices; each borough having a casting vote in its turn, in case of an equality of votes among the commissioners. In this situation matters remained till 1832; and whether the arrangement were suitable or not at the time when it was entered into, a century and a quarter had produced changes which rendered it quite preposterous.

Of the 154 noblemen who stood on the roll of Scotch Peers at the Union, only 5 possessed British Peerages. The number of Scotch Peers is now about 80, of whom a third are also British Peers, and so have seats in the House of Lords, at the same time that they retain their right of voting for Scotch Peers.

To ascertain the footing of the Commons' representation, either at the Union or before the Reform Act, we must inquire into the state of the constituency at both periods. By the act of the last Scotch Parliament, determining the method of electing representatives, it was provided that none should be capable to elect or be elected to represent a shire or borough in the Parliament of Great Britain, but such as might elect or be elected to represent a shire or borough in the Parliament of Scotland.

First, then, of the shires. We have seen that the electors for shires in the Scotch Parliament were the King's freeholders. Their qualification was fixed by the Act of 1587, extended in 1661; and by the Act, 1681, c. 21, it was put on the footing on which it continued till the Reform Act. The elector was required to be seised, and in possession of "a forty shilling land of old extent," or of "lands liable in public burden for his Majesty's supplies, for 400*l.* (Scotch) of valued rent." The "old extent" was a valuation of uncertain date, but, at least, as old as the fifteenth century.* The "valued rent" was the rent set down in a general valuation, made about the middle of the seventeenth century. But the lands, forming the qualification, were to be "holden of the King;" and for understanding this condition, and the use which was soon made of it, it is necessary to explain, that in Scotland the feudal system of holding lands prevails universally. Every foot of ground is held in law to belong to the King, and is possessed by the subject under a charter from the Crown. But the vassal who holds the Crown charter is not prevented from creating vassals under himself, who may possess his lands, or parts of them, under such lawful conditions of yearly payment or services as he

* The term "old extent" was applied to several successive valuations. There was an "old extent" anterior to the reign of King Alexander II.; another in that reign; another in the reign of King James I., and another in that of his successor; though this last was, perhaps, not of the whole kingdom, as the others, but of the southern counties only.

chooses to impose. These subvassals contract no direct obligations to the Crown, and acquire none of the privileges which belong to the immediate Crown vassals; and the vote being under the old law one of those privileges, they, of course, did not acquire it. When the possession of a vote in a county had become a desirable object, advantage was taken of the law to separate the possession of the vote from the real property of the lands. If a landed proprietor wished to sell his estate, but retain his vote, he could grant a charter accepting the purchaser as his vassal in the lands; and if the purchaser did not choose to be burdened with the payment of yearly duties under the charter, these could be rendered quite nominal, as the twelfth part of an English penny yearly, "if asked only." But a more common case was, that the proprietor of a large estate, the valuation of which would afford many qualifications, wished to create votes upon this estate in the persons of his friends or relations. The method for doing this was a somewhat complicated manufacture of charters very profitable to the attorneys, and to his Majesty's Exchequer for Scotland; and the result was, that, at the next meeting of freeholders, each of the new voters claimed enrolment on producing a Crown charter in his favour over a portion of the lands, and a certificate from the Commissioners of Supply that this portion had been entered in the public tax-books, for an amount of land-tax entitling the possessor to a vote. For the portions of his estate so alienated, the real owner became, for a nominal duty, the vassal of the new freeholders, retaining a Crown charter for the rest of his lands. These nominal vassalships to the Crown, or "superiorities," as they were called, soon became matter of traffic, bearing a different price in each county, and varying in the same county, according to the state of politics at the time of sale. At the introduction of the Reform Act, the number of freeholders in Scotland was about 3,200, of whom 500 or 600 possessed freeholds in more than one county; and about half these voters possessed merely the superiority — the parchment vote, — without an inch of the ground, or a penny of the rent of the lands for which they were enrolled. The greatest number of voters in any county was 260; the smallest in any county which, by itself, returned a member, was 23. The average number, the counties being 33, was 97.

The statute of 1587 required residence in the shire as a qualification; that of 1681 expressly provided that non-residence should be no objection. The older statute provided that the commissioners for the shires should be "wise men, being the King's freeholders, resident indwellers (inhabitants) of the shire." The statute of 1661, which extends the qualification, says nothing of residence either for commissioners or electors; and that of 1681 is silent as to the qualification of the commissioner. After the Union it was merely considered necessary, that, besides freedom from the statutory personal disqualifications, the commissioner should be on the roll of the county as a freeholder — a qualification which there could be no difficulty in procuring. By the practice of Scotland, previously to the Union, the eldest sons of Peers could not represent a county or borough in the Scotch Parliament; and they were afterwards refused admission to the roll of freeholders, and consequently had no vote.

Next, as to the electors for boroughs. These were placed on a more simple, but even less satisfactory, footing. The nomination of the borough representatives to Parliament seems always to have lain in the magistracy of the boroughs; and it appears to have been no unusual arrangement for the chief magistrate to represent his borough. If the election of the borough magistrates had been popular, this system might not have been very objectionable; but till the passing of the late Scotch Borough Reform Act, in 1833, the election of the magistrates remained in the situation established by an act of James I., 1469. This statute, "touching the election of officers in boroughs," which was enacted, according to its preamble, "because of great contention yearly for the choosing of the same, through multitude and clamour of [commons, simple] persons*," provides effectually for the removal of the abuse, by directing that "*the old council of the town shall choose the new council.*" This system of self-election is now only matter of history; so long as it existed, however, the mode of election varied indeed in the different boroughs, but in all of them the principle of the act, 1469, was in the main adhered to. The result of the system was that the 15 members for the Scottish boroughs were elected by a constituency of 1,440, in a population of more than 300,000.

In the choice of the borough representatives, no qualification whatever was insisted on.

Even if the constituency of the boroughs had been better, the extraordinary increase of some towns and decay of others would have rendered the old system inapplicable. No town unless it were a royal borough had representatives, so that eleven towns were excluded to which members were given by the Reform Act; and among these were Paisley and Greenock, two of the largest and most flourishing towns of Scotland, each of which now returns one member. The decay of towns had not reduced any Scotch borough to the enviable necessity of returning a member without possessing any inhabitants; but many boroughs were inconsiderable; and the division into districts, never perhaps very appropriate, had become utterly unfair. Glasgow, the largest town of Scotland, and one of the most populous, wealthy, and flourishing in the empire, had merely a vote in the election of a single member, along with three inconsiderable towns; and Aberdeen, Dundee, and Perth shared their power of election with places comparatively insignificant. Glasgow now returns two members, and the three other towns last mentioned return one member each.

The Act to amend the Representation of the People in Scotland received the royal assent on the 17th of July, 1832. Its leading provisions are as follows: —

1. — The representation of Scotland in the House of Commons is by fifty-three members; of whom thirty are for the shires, and twenty-three for the cities, boroughs, and towns.

2. — No disfranchisement has taken place, except in the case of three royal boroughs, situated in counties which it was considered inexpedient to unite with others, but whose population, exclusive of

* By the former of these terms or "commons," was meant what we now call *commonalty*, and by the latter not *mean*, but *vulgar*, as opposed both to the nobility and the clergy, as in the other old statutes, 1424, c. 41., and 1429, c. 120.

the towns, was too small to entitle them to return a member. The towns referred to are Peebles and Selkirk, in the shires of the same name, and Rothsay, in the shire of Bute. Such inhabitants of these towns as are qualified as electors for shires, have votes for the county members.

3. — The thirty-three counties are classed in two schedules: those in the first schedule, twenty-seven in number, return one member each; those in the second, six in number, are joined in pairs, each of which returns one member. The shires returning one member are, — Aberdeen, Argyle, Ayr, Banff, Bute, Berwick, Caithness, Dumbarton, Dumfries, Edinburgh, Fife, Forfar, Haddington, Inverness, Kincardine, Kirkcudbright, Lanark, Linlithgow, Orkney with Shetland, Peebles, Perth, Renfrew, Roxburgh, Selkirk, Stirling, Sutherland, and Wigtown. The combined counties, each pair returning a member, are, — Elgin and Nairn, Ross and Cromarty, and Clackmannan and Kinross.

4. — The constituency of the shires is of two kinds, Proprietors and Tenants.

Proprietors. 1. — All persons who, at the time of the passing of the act, were on the old roll of freeholders of any shire, or who, previously to the 1st of March, 1831, had acquired a qualification entitling them to be enrolled. The right of voting so reserved to the former electors, is personal to them, and cannot be in any way perpetuated or transferred to others.

2. — Every person who is the owner of lands, houses, or any other heritable property (except debts heritably secured) within the county, if the same shall be of the yearly value of 10*l.* Any annual duty, or other annual consideration, which the claimant may be bound to pay for his right, must be deducted in valuing the property; and the voter must, 1. be in possession of the property by himself or servants, tenants, &c.; and, 2. he must have been the owner of such property for not less than six calendar months previously to the last day of July in the year in which he claims enrolment; unless he have acquired it by inheritance, marriage, or *mortis causa* deed, or by appointment to any place or office; in which cases, six months' possession is not required. Joint owners can vote, provided each has an interest amounting to 10*l.*

Tenants. 1. — Every tenant in lands, houses, or other heritable property, under any lease or other written title, for (1.) a period of not less than fifty-seven years certain, or for his lifetime, provided the yearly value of the tenant's interest, after paying the rent, be not less than 10*l.*; or (2.) for a period of not less than nineteen years, where the yearly value of his interest is not less than 50*l.* A tenant of these descriptions need not be in the personal possession of the premises; but he must have held them under his lease for twelve months, previously to the last day of July in the year when he claims enrolment; unless he have acquired them by inheritance, or the other means specified above in the case of owners.

2. — Tenants of lands, houses, &c., where the yearly rent is not less than 50*l.*; or where, whatever the rent may be, the tenant has truly paid for his interest not less than 300*l.* These tenants must have been

in the actual personal possession of the lands, &c., for twelve calendar months previously to the last day of July in the year wherein the claim of enrolment is made. Sub-tenants or assignees to the leases specified in the article immediately preceding (10*l.* for fifty-seven years, or 50*l.* for nineteen years) can also vote, provided they have had twelve months' personal possession.

5. — The cities, boroughs, and towns, seventy-six in number, are divided into three classes, — (A.) To return two members each; Edinburgh and Glasgow. (B.) To return one member each; — Aberdeen, Paisley, Dundee, Greenock, and Perth. (C.) Combined burghs and towns, each set or district jointly to return one member: — 1. Kirkwall, Wick, Dornock, Dingwall, Tain, and Cromarty; — 2. Fortrose, Inverness, Nairn, and Forres; — 3. Elgin, Cullen, Banff, Inverury, Kintore, and Peterhead; — 4. Inverbervie, Montrose, Arbroath, Brechin, and Forfar; — 5. Cupar, St. Andrew's, Anstruther E., Anstruther W., Crail, Kilrenny, and Pittenweem; — 6. Dysart, Kirkcaldy, Kinghorn, and Burntisland; — 7. Inverkeithing, Dumfermline, Queensferry, Culross, and Stirling; — 8. Renfrew, Rutherglen, Dunbarton, Kilmarnock, and Port-Glasgow; — 9. Haddington, Dunbar, North Berwick, Lauder, and Jedburgh; — 10. Leith, Portobello, and Musselburgh; — 11. Linlithgow, Lanark, Falkirk, Airdrie, and Hamilton; — 12. Ayr, Irvine, Campbeltown, Inverary, and Oban; — 13. Dumfries, Sanquhar, Annan, Lochmaben, and Kirkcudbright; — 14. Wigtown, New Galloway, Stranraer, and Whithorn.

6. — The voters for boroughs are qualified either by occupancy or ownership. Occupancy or possession is not necessarily personal, but may take place by servants or others: occupancy is thus different from residence.

Occupancy. 1. — All persons occupying as proprietor, tenant, or life-renter, any house, warehouse, or other building within the bounds of the borough which, either separately or jointly with any other house or other building within the same limits (also occupied by him), shall be of the yearly value of not less than 10*l.* Or, 2. — Persons occupying premises as above, which, with any *land* owned and occupied by the same person, or occupied under the landlord to whom the house, warehouse, &c., belongs, and also situated within the same limits, are of the clear yearly value of not less than 10*l.* The occupants must (1.) have been in occupancy of premises of the necessary description and value for twelve calendar months before the end of July; (2.) have resided six calendar months, previously to the end of July, within the borough, or within seven statute miles of it; (3.) have paid, before the 20th of July, all assessed taxes due for the premises previously to 6th of April; and (4.) they shall not have received parochial relief within twelve calendar months previously to the end of July. Joint occupiers have right where the premises are of sufficient value.

Ownership. All persons who are the true owners of premises as above mentioned, within boroughs, of the yearly value of 10*l.*, whether they have occupied them or not. But though occupancy of the premises for which enrolment is claimed be not necessary, the claimant must have resided in the town, or within seven miles of it, for six calendar months before the end of July.

7. — Provision is made for keeping a register of voters, without entry in which no one shall vote, and for correcting the register annually; for which purpose any new claims must be given in on or before the 20th of July; and the sheriff is to decide on these, admitting or rejecting them before the 15th of September. Appeals against his decision are presented to the sheriffs attending the circuit courts, when the county or borough is within a circuit. In the counties of Edinburgh, Haddington, and Linlithgow, where no circuits are held, the appeal is made to the three sheriffs of these counties jointly.

8. — Eldest sons of Scotch Peers are entitled to be registered and to vote at all elections; and are eligible as members, though not registered; and no member for any county is required to be qualified as an elector, or to hold any superiority within such county. As to members for boroughs, no qualification is required.

It is evident that the Reform Act gave Scotland a new constitution; and certainly it was not given before being needed. For a lengthened period her real constitution was not allowed fairly to operate; the creation of fictitious votes being a palpable evasion of the laws under which the constituency of the counties was originally created. But the system itself, in its genuine spirit, was essentially unpopular, and inadequate to protect the most important interests. The nature of the constituency threw the political influence in shires entirely into the hands of the greater landed proprietors; small estates being in Scotland comparatively rare, and difficult to be procured, unless without the superiorities. The old borough system has been defended by no one. To Scotland, indeed, which, without her trade and manufactures, would be the poorest country in Europe, the vicious representation of the towns, which are the seats of commercial industry, was the most grievous of evils.

It is to be regretted that the qualifications for both county and borough electors under the Reform Act, but especially the former, are such as to admit of the easy multiplication of fictitious votes. This abuse has already been, in some places, carried to an enormous extent; and threatens, unless put an end to, to subvert every sound principle of representation, and to introduce a system quite as bad as that which existed previously to the passing of the Reform Act.

Sect. II. *Administration of Justice in Scotland.*

The most important epochs in the administration of justice in Scotland are the following: —

1. The institution of the Court of Session in 1532, as the supreme civil court of the kingdom. For a long time the court retained many defects of constitution, the chief of which undoubtedly were its ecclesiastical character, and its large and nearly absolute powers; and it was subjected, in various ways, to improper influence. But after the Revolution, it was considerably improved; the right of appeal was then recognised from the court to Parliament; and now, since the Union, to the House of Lords. It was further improved by an act, passed in the 10th of George II., which deprived the Crown of the power to appoint Lords of Parliament to sit and vote in court along with the permanent judges.

2. The next great change took place in 1746; and operated most advantageously on the administration of criminal justice. It consisted in the abolition of those hereditary rights of jurisdiction, which, held by private persons, and extending over the whole country, interfered grievously with the powers of the King's courts. The statute expressly abolished the hereditary sheriffdoms, whose possessors had exercised uncontrolled jurisdiction in every county; and it virtually put an end, also, to the baronial or manorial courts, and, in short, to all private jurisdictions. It left free room for the supreme criminal court established long previously; and, by vesting the sheriffdoms in responsible public judges, it originated those local courts, the jurisdiction of which in civil causes has conferred the greatest benefit on the country.

3. The last great improvement commenced in 1808; and, although already far advanced, has still to receive its completion. The object of the various statutes passed since that year has been to increase the efficiency of the Court of Session, and of the civil courts of the sheriffs. The judges of the supreme court have been arranged on a new footing, and their number reduced: the forms of pleading have been simplified both in that and the sheriffs' courts; and, in the Court of Session, *vivâ voce* have been substituted for written pleadings: trial by jury in civil causes, disused in Scotland since the institution of the Court of Session, has been again introduced into that court, though not into the others: and the Admiralty, Consistorial, and Exchequer Courts have been abolished; their jurisdiction being conferred partly on the sheriffs', and partly on the supreme, courts. Changes have been also made in the criminal department; though, with the exception of the radical and most important change which deprived the judges of all influence in the choosing of juries, these have been comparatively trivial.

The inferior courts of law are the courts of the boroughs, of the justices of peace, and of the sheriffs. The last-named courts dispose of a large proportion of the civil questions which arise in the country; the operation of the others is limited. The only supreme civil court is the Court of Session: the only supreme criminal court is the Court of Justiciary. The judges in both courts are, to a certain extent, the same; the judges of the Court of Justiciary being all now judges of the Court of Session.

Generally speaking, the decisions of all inferior courts, civil and criminal, are respectively subject to review by the two supreme courts. Decisions of the Court of Justiciary, whether pronounced in the high court or in the circuits, admit of no appeal; but judgments of the Court of Session may be appealed from to the House of Lords, as coming in place of the Scotch Parliament.

1. — The magistrates of royal boroughs possess, by their charters, jurisdiction, both civil and criminal, within their own territory. Their courts are familiarly termed "Baillie Courts," from the title of the magistrate, resembling the English alderman, who presides in them with the assistance of a legal assessor. Their civil jurisdiction within the borough is great, and in some cases it is equivalent to that of the sheriff in the county; but the number and value of the causes brought before them vary, being chiefly determined by the reputation of the

assessor, and the amount of their business is in all cases limited. As criminal judges, the magistrates possess the powers necessary for maintaining the police of the borough. Their jurisdiction extends to no offence more serious than petty riots; and the punishments they can inflict do not exceed fine, imprisonment, or banishment from their territory. Another borough magistrate, the dean of guild, or head of the merchant company, anciently possessed jurisdiction in mercantile causes: this is now lost; and his most important functions are, exercising superintendence over the markets, and removing such nuisances as ruinous buildings, &c. The magistrates of boroughs not royal have also jurisdiction, the extent of which depends on their charters, but is in all cases trifling. All the borough courts are likely to be soon put on an entirely new footing.

2. — An act, passed soon after the Union, was meant to confer on Scotch justices of peace the same powers which the English justices possess; but, although the extent to which their powers are exercised varies in different counties, the nature of the judicial arrangements in Scotland nowhere allows these powers to be exerted to their full height. Their powers are properly only those which are necessary for the maintenance of public order. They can singly commit criminals, and hold petty sessions, where two are a quorum, and quarter sessions: they have power to convict under the game laws, and in some revenue cases; but without, in any instance, possessing the power of transportation: they decide in questions between masters and servants, &c. Special statute has conferred on them one very useful branch of jurisdiction, purely civil; namely, the holding of small debt courts, for deciding actions for debt where the demand does not exceed 5*l.* besides costs. In such causes, their decision is subject to no appeal; and their procedure is of the same summary nature with that in the courts lately instituted under the sheriffs for the same sort of causes: the latter have already taken away great part of the business which used formerly to come before the justice of peace small-debt courts.

3. — The Sheriff Courts deserve to be minutely considered, especially their jurisdiction in civil causes; as the number of these which comes before them is great and increasing. The Scotch sheriff is a paid legal functionary, who, besides various executive duties resembling those of the English sheriff, is also a judge possessing within his county a jurisdiction which, though in criminal matters confined, is in civil causes extremely extensive.

Each county of Scotland has one principal sheriff, called, though now improperly, sheriff-depute. He is named by the Crown, must be an advocate [barrister] of at least three years' standing at the time of his appointment, and cannot act as counsel in any cause which comes from his county. He holds his office during life or good behaviour; and receives a salary, the least being 300*l.* a year. In two counties, Edinburgh and Lanark, personal residence is required. In the other shires the sheriff was, till 1838, bound by the letter of the law to reside within his sheriffdom at least four months every year; but the regulation was not enforced, and is now repealed. The principal sheriff is bound to attend the Court of Session, for instruction in the state of the law. Each sheriff is entitled to name one or more

substitutes, to act either for the whole shire, or for a particular district of it: one at least is named, but in some counties more. Thus, Edinburgh, Fife, Forfar, Perth, Renfrew, and Sutherland, have each *two*, as has likewise the shire of Orkney and Shetland; and Argyll, Inverness, and Lanark, have each *four*. The sheriff-substitute must now be an advocate of three years' standing, a writer to the signet, or solicitor of supreme courts (both classes of attorneys in Edinburgh), or a solicitor before a sheriff-court of three years' standing. He receives a salary from government, and used to hold his office during the pleasure of the principal sheriff, who is responsible for his acts, but he cannot now be displaced without the concurrence of the Lord President and Lord Justice Clerk. He resides constantly in the county, and it is by him that most of the business of the office is performed, both out of court and in it; the principal sheriff exercising merely a power of superintendence and review, and usually visiting the county only when special matters require his attendance. The duties of counsel and attorneys before the sheriff courts are performed by the same class of practitioners, called writers or solicitors, who perform also those other kinds of business which correspond to those of the English procurators. These procurators or solicitors are not admitted by the Court of Session, but by the respective courts throughout the kingdom, on varying qualifications. They are, of course, also restricted to the particular court admitting them. It would tend much to the uniformity of the law were they all (like the advocates of the Court of Session, who form the proper *bar* of Scotland) admitted by that court on some general qualification, and at liberty to practise below the bar in any court of the kingdom.

The ministerial or executive duties of the sheriff are tolerably multifarious. He executes writs issuing from the Exchequer, and in general attends to the interests of the Crown in his sheriffdom: he returns the juries both for civil and criminal trials: he is the returning officer at elections for the county and boroughs; and, under the Scotch Reform Act, decides on claims for enrolment in the list of voters. He has to attend to the preservation of order in the county; and the apprehension and committal of criminals are chiefly devolved on him. The mode of procedure in these matters, and the nature and extent of his criminal jurisdiction, will be explained in treating of the constitution of the supreme criminal court.

The lowest branch of the civil jurisdiction of the sheriff is exercised in the small-debt courts, which were instituted in 1825 for the decision of questions of debt not exceeding 8*l.* besides costs. In 1837 the jurisdiction of these courts was extended to sums of 8*l.* 6*s.* 8*d.*; and besides the small-debt courts at the head town of the shire, the sheriff must now hold frequent small-debt circuit-courts in every district of his sheriffdom. In these causes, unless on cause shown to the satisfaction of the judge, no counsel or solicitor is allowed to attend, nor any pleadings or evidence to be taken down in writing: the parties appear by themselves, or unprofessional friends, and are heard personally, and may be examined on oath: the costs do not exceed 2*s.* or 3*s.*, and the decision is subject to no appeal.

In the sheriff's ordinary court of record, his civil jurisdiction is not

limited by the amount of the interest at stake. It extends to all personal actions, on bond or other obligation; and to those actions relating to real property, where not the right of property, but merely the possession, is in question; such as actions by landlords to have tenants removed, or by tenants or other lawful possessors against any one who has violently turned them out of possession. The sheriff, also, can decide, in the first instance, on all admiralty and on some consistorial actions; and his jurisdiction has, in 1838, been extended to questions of nuisance and servitude. Since 1836, the sheriff has also a concurrent jurisdiction with the Court of Session, in the process of *cessio bonorum*—an action by which an insolvent debtor, on giving up all his property on oath to his creditors, is freed from personal arrest for the debts specified in his process. It was formerly necessary that he should have been thirty days imprisoned; but he may now apply as soon as a writ is taken out against him. The sheriff can also, since 1838, stay execution on judgments for less than *25l.*, which could formerly be staid only by the Court of Session; and he can recal arrestments of funds laid on by his own warrants.

The pleadings in actions in the sheriff's ordinary court are in writing, scarcely any *vivâ voce* pleading being usual; the late regulations have had it in view to introduce into the form of the pleadings the same principles which have been enforced in the procedure of the Court of Session. Some sheriffs seem to have brought their forms much nearer those of the supreme court than others; but the object in all is the shortening the pleadings, and keeping the recital of facts distinct from the legal inferences. The writ which commences the action having been, by authority of the judge, served upon the defendant, he is allowed to answer it in writing; and, if necessary, further pleadings are allowed to be given in within a fixed time on each side; but these pleadings, forming what is called the record, should not be argumentative. When both parties have consented to let the cause go to judgment on the pleadings and documents given in, the parties are prohibited from making new statements, or giving in new writings in evidence. The sheriff-substitute then considers at chambers the writings in the cause; and, if there be no disputed facts, or none which are not settled by the evidence produced, he pronounces judgment. Against his decision the losing party is allowed to appeal by an argumentative petition, which the other party may be permitted to answer; and the cause, with these new pleadings, is then considered anew by the sheriff-substitute. Against the judgment which he then pronounces, whether adhering to or recalling the former, either party may appeal to the principal sheriff, before whom the cause is then laid without any new pleadings; and his decision is final in the sheriff court. If proof by witnesses be required, it should be taken in presence of the judge: but, as the other business of the sheriff-substitute makes this generally impossible, a commission is usually granted to a legal practitioner, or clerk of the court, before whom the solicitors for the parties examine the witnesses; and their evidence, taken down in writing, and authenticated under the direction of the commissioner, is transmitted to the sheriff for his consideration. In case of differences of opinion, at taking the proof, any decision of the commis-

sioner may be submitted to the review of the sheriff-substitute; and his decision, both on this and other incidental points, may, like his decision on the merits of the cause, be appealed from to the sheriff-depute.

The sheriff's decisions in civil causes may be brought under the review of the Court of Session in more than one way. If no step of execution has followed, or if none can follow, on the judgment, the form is that called advocation, by which, on an application to have the sentence altered, the court decides on the cause from the pleadings before the inferior court; the ordinary rule being, that neither party is allowed to put in new pleadings, unless on payment of the expenses in the sheriff court. The party making the application must also put in caution (bail) for the costs in both courts, if they shall be found due: and this mode of review is subject to some other limitations. Generally speaking, it is allowed only where the decision complained of is final, and has exhausted the cause: in the case of incidental decisions in the course of the action, it is permitted on the ground of incompetency of the action in the inferior court, — of contingency (connection of the action with one already in dependence before the supreme court), — of objection in respect to the mode of proof or to some change of possession, — or where a judgment has been given or refused for a partial payment of the sums claimed, the question as to the surplus remaining to be settled. It may also take place where, the sum at issue being above 40*l.*, either party conceives that the case ought to be tried by a jury, which it cannot be before the sheriff, and an incidental decision may be advocated in all cases, if the sheriff chooses to allow it. By these limitations of the right of appeal, parties are prevented from unnecessarily stopping the progress of the cause in the inferior court; and, even in the case of judgments on the merits, advocation is prohibited where the sum claimed is under 12*l.*, and in certain other actions, such as those limited by statute to particular courts. If any step of execution have been taken, the cause may be brought into the supreme court, by an application for having the execution suspended (staid), upon cause shown: the judge, if he entertain the application as entitled to proof, stays execution till the question be disposed of; and the sentence of the court, after proof has been adduced, stays it finally, or allows it to go on. Suspension, being a remedy against extreme measures on the part of the adversary, is allowed in many cases in which advocation is not; as, for instance, in actions under 12*l.*: but, in general, the party using it cannot go on without finding security for paying the sums demanded, if they shall be found due. Another mode of review is by a more tedious but also a more effectual action, called reduction; the object of which is to have the decree of the inferior court solemnly reduced (set aside). Besides these modes, final judgments, in actions under 25*l.*, may at a small expense be brought under review of the judges on the circuits, before whom the cause is argued *vivâ voce:* but this mode of appeal is seldom resorted to.

The following lists, from official returns, may give an idea of the working of the ordinary civil courts of the sheriffs in some of the

principal counties; and also of the effect which their small-debt courts have had in diminishing the business of the justice of peace courts for small debts. — (*Report of the Law Commission*, 1834.)

Counties.	Civil Causes decided in Sheriff Courts during 5 Years preceding Whitsuntide, 1832.		Number of Causes decided in the Small-Debt Courts, in 1832; 7 Years after Institution of Sheriff-Small-Debt Court.	
	Causes decided by Sheriff-Substitute.	Of which, appealed to Sheriff-Depute, and decided by him.	Causes in Justice of Peace Small-Debt Court.	Causes in Sheriff-Small-Debt Court.
Aberdeen -	1,119	543	2,322	2,769
Ayr - -	1,861	1,461		
Edinburgh	1,584	611	9,254	4,055
Lanark -	5,622	1,725	9,001	11,182
Perth - -	3,166	887	993	1,543

4. — The supreme civil court of Scotland, called the Court of Session, received its constitution by a statute of James V., in 1532. It holds in Edinburgh two terms, or, as they are called, sessions, annually; the winter session lasting from about the 12th of November to the 12th of March, with a Christmas recess of three weeks; and the summer session from about the 12th of May to the 12th of July, without recess. The Privy Council has power to lengthen the sessions, if necessary; and jury trials, when they cannot take place during session, take place in Edinburgh soon after the rising of the court, or before it sits down, or before the judges, who go on the criminal circuits in vacation and recess. During session the court sits five days a week; there being no sittings on Monday, except occasionally for jury trials.

The number of judges, formerly fifteen, is now thirteen: they are styled Lords of Session; are chosen from the bar, are appointed by the Crown, receive salaries from government, and hold their offices during life or good behaviour. Originally, the court formed only one chamber; but, since 1808, it sits in two, which form, in effect, two courts of equal and independent authority; neither chamber applying for the advice or concurrence of the other, except in questions of unusual difficulty. These two courts or chambers are called the first and second divisions. But, besides, an arrangement is made by which causes, coming into either division, are twice decided if necessary: first, by a single judge, and afterwards by a bench of four; the judges who sit singly forming what is called the Outer House, and those who sit together constituting the Inner House. The head of the whole court, termed the Lord President, presides in the first division of the Inner House, with three other judges as his assessors: and the second division of the Inner House is also composed of four judges; the president being the Lord Justice Clerk, who is also the acting head of the supreme criminal court. These eight Inner House judges are the seniors; and the remaining five form the Outer House, sit singly, and are commonly called Lords Ordinary. The judges of the Outer House have no seats in the Inner House, except when consulted on difficulties. The four senior of them used, till 1838, to belong two to each division; and causes decided by any one of them could be reviewed only by the division to which he was attached: but now causes before any Outer

House Judge, may be entered in either division, at the choice of the plaintiff. The junior judge of all, used to decide in certain peculiar classes of actions, and to take no other sorts of causes: but by the act of 1838, the description of cases appropriated to him is exceedingly narrowed, and he receives, besides, all sorts of causes, like the other Outer House Judges.

The ordinary judges of the Court of Session have each 2,000*l.* a year. Those that are also judges of the Justiciary, or Criminal, Court have each an additional 600*l.* a year. The president of the Court of Session has 4,300*l.* a year; and the Lord Justice Clerk, or president of the Court of Justiciary, has 4,000*l.* a year: viz., 2000*l.* as an ordinary judge of the Court of Session, and 2000*l.* as president of the Criminal Court.

The barristers who practise before this court form a body called the faculty of advocates; and their elective president is styled the Dean of Faculty. The only precedence belonging to counsel in the Court of Session, besides that of seniority, belongs to the Dean, and to the two Crown counsel — the Lord Advocate and Solicitor General. The number of the faculty is at present about 460. Of these, only about 200 reside in Edinburgh; and not above half that number can be considered as really practising barristers. The attorneys or solicitors before the court, usually called agents, are, the society of writers to his Majesty's signet — a highly privileged body; the solicitors before the supreme courts; and the advocates' first clerks: which last were the earliest, and, till about the beginning of the last century, the only authorised agents or practisers below the bar. Both among the counsel and solicitors, certain members are appointed to conduct *gratis* the causes of individuals who exhibit certificates of poverty, and show that they have just cause of action; and on such causes no fees of court are charged.

These judges, counsel, and agents, with the officers of court, form the body called the College of Justice, which, besides exemption from some local taxes, of which it will probably soon be deprived, enjoys also the privilege of having all suits, at the instance of its members or against them, tried before the Court of Session.

The Court of Session judges both in law and equity, being at once the High Court of Chancery, and the Great Common Law Court of the kingdom; and recognises no division of suits into actions in law or in equity, nor any distinction of forms as applicable to these. Its jurisdiction extends over all Scotland, and is twofold — original jurisdiction, and jurisdiction of appeal. Its original jurisdiction is in most matters shared by the inferior courts; but in some actions it is exclusive. Such are, actions for having the subsistence of a right of property, or inferior right in heritage, declared by a sentence of court; all other competitions of hereditary right; actions of reduction (*i. e.* for cancelling and setting aside deeds, contracts, decrees, &c.); judicial sales of the property of minors or bankrupts, &c. Its jurisdiction on appeal extends, with few exceptions, to all judgments of inferior courts. In a few matters, the court possesses only an appellate, and no original, jurisdiction: such are suits where the demand does not exceed 25*l.*, which must be brought, in the first instance, before an

inferior court. Since the late abolition of the Admiralty Court (1830), it has likewise original jurisdiction, along with the sheriffs, in admiralty causes; and the power of reviewing sentences pronounced by the sheriffs, as inferior admiralty judges. The Commissary (Consistorial) Court having been abolished at the same time, most consistorial cases may be decided either in the Court of Session or the Sheriff Courts, the supreme court having the power of review; and, in some consistorial actions (as actions of divorce, bastardy, for having the existence of a marriage judicially declared, &c.), the jurisdiction of the Court of Session is exclusive. The circumstance, too, that the jurisdiction of every inferior judge is confined to his own territory, often makes the jurisdiction of the Court of Session exclusive in all those different kinds of causes. Instances of this occur where the defendants reside in different counties; or where a defendant does not reside in any part of Scotland, but is subjected to the jurisdiction of the Scotch Courts, by possessing property in the country.

Suits are instituted in the Court of Session in one or other of three forms. 1.—By a summary application or petition to the court, reciting the ground of action and craving redress. This form is allowed only in certain kinds of causes; to some of which it is appropriated by statute; as in proceedings under the bankrupt acts, sales and exchanges of entailed estates, &c.: while others are such causes as fall under the cognisance of the court as the supreme tribunal of the country; for instance, the appointment of legal guardians to protect the interests of those who, from nonage, imbecility, or absence, cannot act for themselves. In such causes, the Inner House decides without a previous sentence of the Outer House; merely, where necessary, remitting the cause to the junior Outer House judge, to superintend the preparation of the pleadings, and to send it back to the Inner House when ready for decision. 2.—The form of writ, by which far the greater number of suits commence, called a summons, passes through the King's signet office; and seems to combine the English original writ and declaration. It may be said to consist of three parts; a narrative of the facts which have made the suit necessary, a specification of the plaintiff's demands on the defendant, and a warrant to proper officers to summon the defendant, but with certification that the court will give judgment whether he appear or not. The general rule is, that suits originating by summons are decided, in the first instance, by an Outer House judge, whose sentence may be reviewed by the Inner House; but, in a very few even of these, the Outer House judge can only direct the making up of the pleadings, and lay the cause before the Inner House for decision. 3.—The third form is applicable to those actions called advocations and suspensions. The nature of these has been already explained: but the form of suspension is used also in another class of actions, where the plaintiff's object is to have the defendant interdicted (prohibited) from doing or continuing some act which is prejudicial to his (the plaintiff's) interests. In causes admitting of this remedy (which are considered as requiring despatch) the form of proceeding partakes of the nature of the former two. In cases where it is optional with the Court to refuse entertaining the application at all, the old forms are still adhered to, and the procedure is the

following. The first step is presenting to the judges a *bill* as it is called, or summary petition; but the petition prays not for redress of the wrong, but for warrant on the keepers of the signet to give out a writ (resembling the summons), which writ shall commence the action in court. This application is presented in a subordinate chamber of the court, called the bill chamber, which is designed for the speedy disposal of all questions in which the delay of justice would be injurious. It is open every lawful day of the year, excepting a few holidays; and has only one judge, who in time of session is the junior judge of the court; while, during vacation, the duties are performed in the weekly rotation by all the other judges, excepting the two presidents. If the judge in the bill-chamber refuse the prayer of the application, his decision may be reviewed by the Inner House during session, or during vacation by the judge next in rotation; and if the application be granted in any of these ways, the writ demanded is taken out, and the cause proceeds before one or other of the four senior judges of the Outer House; in the same manner as an action originating by a summons. If the application be finally refused, the cause can proceed no further; and the legal execution, or other act complained of, may go on. In certain cases, however, including most attempts to get reviewal of sentences of inferior courts, the previous application is mere matter of form, and the complication of the procedure was justly complained of. A statute of 1838 has removed this evil, and allows these matter-of-course cases to come into court at once, without requiring the writ to warrant them; and in the other class of suspensions and advocations, the same statute has introduced improvements into the form of pleadings.

The late legislative changes in the judicial forms (except those of 1838), and the regulations of court in furtherance of these, have left most of these general forms of action untouched, altering only the mode of procedure after the cause has come into court. The faults of the old forms appear to have been an unnecessary number of written pleadings; a prolix and complicated style of pleading, mixing up fact with arguments; want of power in the judges to compel the giving in of pleadings within a reasonable time; and an undue facility for applications to the judges to reconsider their judgments. According to those who have seen both systems in operation, the new forms have done much to remove these defects. We may understand the means adopted for this purpose, if we trace through all its stages a suit commencing by a summons.

On the expiration of a certain time after a copy of the summons has been delivered to the defendant, — usually twenty-seven days, if he be in Scotland, — the suit may be called (entered) in court; and within a certain time after this step, — usually thirteen days, — the defendant, if he mean to resist the action, must lodge a paper in court, denying or admitting the facts alleged, stating any other facts which he offers to prove, and annexing a short summary of the legal pleas on which he founds his defence. The defences and all subsequent pleadings must be drawn by counsel; and after the defences have been given in, every order in the cause must be moved for in court, in presence of the judge, and granted in writing under his hand. The judges have no

power to devolve these duties on any one; but the performance of them occupies a great part of the time of the Outer House judges, and it has been lately proposed to put the preparation of the pleadings under the superintendence of an officer of court. The pursuer (plaintiff) then, having caused the suit to be entered in public roll of court, appears by counsel before an Outer House judge; and, if the cause be not defended, obtains judgment as craved in his summons. If defences have been given in, the parties may let the cause go to judgment, on the two papers already in court; but this they are seldom willing to do. More specific pleadings are accordingly ordered; the plaintiff giving in what is called a condescendence, and the defendant, after seeing this paper, lodging answers to it. The plaintiff is then allowed to see this new paper of his opponent, and to make any necessary alterations in his own pleading; and the defendant is allowed to see the revised paper, and make corresponding alterations on his. If possible, only one revisal should be permitted on each side; but, as yet, the judges have not always found it possible to enforce this. A time is always fixed for giving in or revising a pleading — usually ten or fourteen days, and rarely twenty-one; and the time so fixed can be lengthened only by consent of the other party, or, only once, by leave of the judge, on cause shown. If the time have been allowed to expire, without such extension having been granted, the pleading cannot be received; and the party failing has judgment pronounced against him in the cause, from the consequences of which he can be relieved only at considerable expense, having to present a printed petition to the Inner House, and to pay the other party a sum of costs at the discretion of the judge. The condescendence and answers thus mutually revised contain on each side, (1.) a statement of the facts which the party affirms and offers to prove, set down in separate numbered articles or heads; (2.) an answer to the statement of the opposite party, specifically admitting or denying each article so far as known; (3.) a short summary of the legal pleas on which the party maintains his cause, without quotation or argument. The pleadings now in court form what is called the record of the cause; and the next step is for the judge to read these at chambers, for the purpose of ascertaining whether they are in proper shape: on his returning the papers, the counsel again appear before him, make any alterations he suggests; and an important step takes place, which is called closing the record, the effect of which is to bar both parties from affirming any new fact which they previously knew, or exhibiting as evidence any new documents which they had it in their power previously to exhibit. Down to this stage, either party has had it in his power to move for any order, on forty-eight hours' notice; and, in simple cases, no long time need have been consumed; but delays may occur, one example of which is — when either party wishes to exhibit as evidence documents not in his possession; in which case, on cause shown, the judge grants authority for summoning the holders of such writings before a specified commissioner, who transmits the writings to the court. After closing the record, and entering the cause for decision, the parties can take no farther step; the cause must lie over till the judge has heard the causes previously ready. When the cause comes on in its turn,

the counsel appear for the purpose of debating it, *vivâ voce*: this oral debate being substituted for the old argumentative pleadings in writing. The judge has already had the record before him for reading; each party has a right to be heard by two counsel, the juniors speaking first; and the judge may either pronounce judgment at once, or consider the cause again at chambers with the pleadings and written evidence before him, and there write his decision: or, if any difficult questions of law be raised, he may report the cause to his division of the Inner House, to be decided by the judges there: or, again, if the cause involve details unfit for oral explanation, he may order written argumentative pleadings, called cases, and either decide the cause on these, or send them to the Inner House. If farther proof be required, he may make such order as shall supply the defect; if, for example, the cause involve matters of account, he may remit it to a private professional accountant, whose report will come before the judge to assist his decision.

If the judge have decided in favour of either party, the losing party may apply, within twenty-one days, to the judge's division of the Inner House, to have the decision reviewed. The application is made by simply annexing to the sentence complained of, a notice that the party craves to have the judgment altered. No new pleading is allowed on either side. When the cause comes in its turn to be decided in the Inner House, the judges there have previously read the papers, which have been printed and distributed for them; and parties are heard by counsel, one for each; the counsel for the party petitioning having the right of reply. The decision of the Inner House can be reviewed only by the House of Lords, for which purpose appeal may be lodged within two years; the Court of Session having power in the meantime to permit execution of the judgment, on the party requiring it finding security to refund with interest, if the decision of the court of appeal should be against him. The awarding costs is discretionary: costs are most frequently given, though sometimes only in part; an account is given in and audited by an officer of the court, subject to correction of the judges.

At present, also, many causes may be brought to jury trial, which was first introduced or rather re-introduced by way of experiment in 1815, in a separate court, under the presidency of Mr. Adam, an eminent English barrister; the other judges being judges of the Court of Session. The system having been brought into order in this court, a statute of 1830 abolished the jury court, and made trial by jury a constituent part of the procedure in the Court of Session; but without extending it to the inferior courts, for which it is still considered unfit. Difficulties were found in making the system efficient, which have now, however, been in a great measure overcome, so far as the procedure of the court is concerned; but it is believed that there still exists a disinclination to jury trial on the part of the litigants, founded, in a great measure, on the fear of the expense.

The old method of taking the evidence of witnesses in the Court of Session, was by having them examined, when that was possible, in presence of one of the judges, under whose direction their evidence was put in writing, and transmitted to the court; and where this

method could not be followed, the evidence was taken on commission, in the way already explained as practised in the sheriff's court. The former mode has been long disused; and the latter, since the introduction of jury trial, is discouraged, being allowed only on cause shown, even when both parties desire it; although it must necessarily be resorted to when a witness is abroad, or may be expected to die before trial can come on. Different acts of parliament have now appropriated certain suits exclusively for trial by jury. The list is a long one: it includes all actions on account of injury to the person, whether real or verbal; of injury to moveables or land; for damages on account of breach of promise of marriage, &c.; for nuisance, on policies of insurance, charter-parties, bills of lading, &c. &c. Jury trial may also be insisted on by either party, in all suits where the facts are disputed; and it is said, that the fear of being so forced to a jury, together with the new mode of pleading, have made parties of late much more guarded in their statements. Where trial by jury is to have place, a record of the cause is first made up in the form already detailed; the last article of the record being the issues to be tried, in adjusting which much difficulty was at first experienced. Trial takes place either in Edinburgh or before the judges on circuit. Before trial, the parties may *precognosce* the witnesses, as it is called, that is, examine them, *à priori*, to ascertain what they can prove; but, after a witness has been cited by warrant of the court, the parties can hold no further communication with him. The parties need not exchange lists of witnesses. Juries are either common or special. Common jurors are qualified by possessing lands worth 5*l.* yearly, or moveable property worth 200*l.* Special jurors are persons who pay cess (land-tax) on 100*l.* of "valued" rent, or assessed taxes on 30*l.* of house rent; or, who possess, in hereditary property, 100*l.* yearly of real rent, or moveable property to the value of 1,000*l.* If the trial come on before a common jury, it is ballotted for, from a return of not fewer than thirty-six; each party being allowed to challenge four jurors peremptorily, besides previously challenging for cause assigned. Either party, on due notice, may claim a special jury; and such jury is formed by the parties meeting before an officer of the court, and each striking off names alternately from a list of thirty-six, till the list be reduced to twenty names: these twenty jurymen are summoned, and the first twelve who appear form the jury. The jurors in civil causes are twelve, and their verdict must be unanimous; both of which circumstances are deviations from the rule in criminal causes: they are allowed twelve hours to consider of their verdict, but may have longer time if they unite in demanding it. The plaintiff's junior counsel opens the cause before calling his witnesses; and the counsel for the defendant addresses the jury after the plaintiff's witnesses have been examined; and if the defendant then proceed to call witnesses, the plaintiff may address again, after their examination is closed. It may be noticed, that in all trials in Scotland, civil and criminal, the witnesses are shut up by themselves, at the commencement of the trial, and not allowed to hear each other examined. After the evidence and speeches of the counsel, the judge charges the jury. Costs do not follow of course on a verdict, and the jury has no power

to give them; they must be demanded when the cause, after trial, is brought into the Inner House, to have judgment pronounced in terms of the verdict. No verdict of a jury can be appealed from to the House of Lords: the only remedy is an application to the Inner House for a new trial, on the ground of misdirection by the judge, illegal conduct by the jury, or the verdict being contrary to evidence. The decision of the court, granting or refusing new trial, cannot be appealed from; but if the verdict have left any questions of law for the decision of the court, their judgment on these may be reviewed. But a party may open his way to the House of Lords, by presenting, during the trial, a bill of exceptions to some point of the conduct of the presiding judge, either objecting to his law as laid down in his charge to the jury, or in his admission or rejection of evidence, or the like. The decision of the Court of Session on the bill of exceptions may be appealed from. New trial cannot be granted unless the party claiming it pay the expenses of the first.

During the four years before the late Judicature Act came into operation (11th Nov., 1825), the number of causes in the Court of Session averaged 2,143. In the four years next following, the average was 1,998. In 1831, the number of causes enrolled in the Outer House rolls was 1,956.

Besides a civil jurisdiction, the judges of the Court of Session sit under a separate commission, as the Teind (Tithe) Court, which was remodelled at the Union, the lords of session being then made perpetual commissioners, and their judgments subjected to the review of the House of Lords as in other cases. The parish clergy of Scotland draw no tithe; but receive fixed stipends or salaries, for payment of which a certain proportion of the fruits of the land, called teinds, is liable, so far as required. The office of the Teind Court is to settle all questions regarding tithes, to disjoin or unite parishes, change the situation of churches, &c.; and the court has power to augment the stipend of each parish once in twenty years, on the suit of the clergyman, which the proprietors of the tithes are, at the same time, entitled to resist. For these augmentations, and some other business, the thirteen judges sit every second Wednesday during session; but the more laborious parts of their duties are devolved, like all other annoying work, on the junior judge, who takes up such questions every Saturday.

The abolition of the Admiralty and Consistorial Courts in 1830, has been noticed. In 1832, the Court of Exchequer was likewise abolished; the Act has now come fully into operation, and the duties of the court, chiefly trials in revenue causes, are performed by one of the judges of the Court of Session.

In no civil court of Scotland is it possible by any device to procure, before or during process, arrest of the person of the opponent; unless in the solitary case where a creditor makes oath that his debtor intends to abscond from the kingdom. But it is usually possible, without personal arrests, to compel a defendant to find bail for satisfying all the demands of the suit. In Admiralty causes, as it is supposed the parties may often be foreigners, security may be applied for directly, if the cause be in the Court of Session; and in other actions

it may generally be obtained indirectly, through what is called arrestment, which is a legal process executed against the debtors of a defendant, prohibiting them from making payment. This prohibition may be kept up till the determination of the cause, unless the defendant enter satisfactory bail.

The execution of judicial sentences was encumbered with antiquated forms, which a statute of 1838 has cleared away, retaining the principle of the old procedure. In the old forms, two separate writs were required for completing execution, so as to affect both the debtor's effects and his person. The first writ, for the issuing of which from the office of the King's Signet, the decree of the court was the warrant, authorised the officers of court, (1.) to command the debtor to obey the decree within a fixed time, in most cases fifteen days; and (2.) on the expiration of this time, to seize his moveable goods to the amount necessary for satisfying the debt, and to return the writ into court, with the necessary certificates. This first writ was called the letters of horning: and on production of it and the certificates, there was issued a second writ, the letters of caption, authorising personal arrest. By the new statute, the procedure against the debtor is unchanged; but the warrant for an action against the effects is now inserted in the official extract of the decree of court, and the warrant of imprisonment is a simple indorsation by the clerk of court, on a *pro forma* minute presented for the creditors. Arrestments of the debts due to the debtor are now also executed under similar warrants embodied in the decrees, or in the summons, instead of requiring separate warrants. The same forms are henceforth to be followed in executions upon protested promissory notes, and bills of exchange, on which, in Scotland, the same summary procedure may by statute follow, without any real decree of court; and the new rules also apply to bonds and other deeds, in which it is usual in Scotland to insert a consent to summary execution. It thus appears, that in such bonds, and on bills and promissory notes, execution follows in Scotland, without the necessity of raising action. The remedy against execution is an application to the bill chamber, by the form of suspension already explained. If the debtor be finally imprisoned, he may, on making oath of poverty, obtain a small aliment from the creditor, who must grant it within ten days on pain of having the debtor dismissed. An act passed in 1835, which does not, however, come completely into effect till 1840, prohibits imprisonment for debts, unless they exceed 8*l.* 6*s.* 8*d.*

5.—The Court of Justiciary, the supreme criminal court of Scotland, which was brought into its present form in 1672, used to consist of six judges, who are also judges of the Court of Session. Besides these, the nominal head of the court—the Lord Justice General—was lately a sinecure office, held by a nobleman, whose duties and title have recently been devolved on the Lord President of the Court of Session. Under the Lord President, as Lord Justice General,

the acting head of the court is the Lord Justice Clerk. The court holds sittings in Edinburgh during the vacation or recess of the Court of Session, and occasionally on Mondays during the terms of that court. And twice a year, in the spring and autumn vacations, the judges hold circuits in the chief provincial towns; two going each circuit. An additional circuit is now held in Glasgow, during the Christmas recess; and the Privy Council may appoint more when necessary.

The rule of the Scotch law is, that criminal prosecutions shall proceed, not at the instance of the party injured, but at that of a public officer, and at the public expense; the private party having it always in his power to prosecute in his own name, even after the public prosecutor has refused, if he choose to do so at the risk of being found liable in damages and costs. The public prosecutor is the first Crown counsel, the Lord Advocate, who being always in Parliament, has much of his duty in Scotland performed by the second Crown counsel, the Solicitor-General, and by the four advocates depute, on whom, indeed, most of the criminal business devolves, especially that of attendance at the circuits. In every county and borough is an officer, called the procurator-fiscal, (hitherto, though with manifest impropriety, nominated by the sheriff and magistrates respectively,) whose duty it is to attend to the apprehension and examination of criminals. On receiving an information subscribed by the party injured, he procures a warrant from a magistrate for committing the accused person for examination. This examination, in practice, takes place almost invariably before the sheriff-substitute, who examines witnesses without oath, and allows the prisoner, if he please, to make a declaration, which, properly attested, may be founded on at trial as evidence against him. The committal for examination cannot last more than a few days, without subjecting the magistrate who made it to a suit for damages; and the procurator-fiscal acts under a like responsibility, which, however, does not extend to the Crown counsel. If no case be made out on examination, the prisoner is dismissed: otherwise, the sheriff commits him for trial, and transmits the evidence to the Crown counsel. This committal is, likewise, made under a liability in damages, if it have been improperly ordered.

The moment a prisoner is committed for trial, he may protect himself from undue delay of trial by the remedy called "*running his letters;*" a process in force since 1701, and analogous to the Habeas Corpus. The prisoner presents an application to any judge competent to his trial, who must, within twenty-four hours, give an order on the public prosecutor to bring on the trial within sixty days, with intimation that at the end of that time the prisoner will be discharged. When the crime is serious, and the time of circuit distant, this application often compels the Crown counsel to have the prisoner and witnesses brought to Edinburgh at great expense. If, at the end of the sixty days, no criminal indictment be executed on the prisoner, he must be set at liberty, but may be again imprisoned, on a warrant from the Court of Justiciary. In this case, if the trial be not concluded within forty days after the second apprehension, the prisoner must be set at liberty, under heavy penalties on those detaining him; and is declared for ever free of the charges against him.

The magistrate must, on application, grant or refuse bail, and fix its amount within statutory limits. All offences are bailable, except capital crimes, and (by late statute), those post-office offences which used to be capital.

The Crown counsel, on examining the declarations of the witnesses, may immediately order the prisoner to be liberated, or fix his trial, either before the Justiciary or Circuit Courts, or, if the crime admit of it, before the sheriff. Even in the course of last century we find the sheriff exercising a criminal jurisdiction, which extended, in some cases, to life and death; but his powers are now greatly limited. The causes usually remitted by the Crown counsel for trial before him, are those where the counsel thinks there is cause for prosecution, but that the result should be fine or imprisonment. The sheriff's powers to dispense with a jury are not very strictly defined in law; but it is quite certain, that without a jury no sentence can be lawfully pronounced exceeding fine, imprisonment, or banishment from the county: and it is believed that, in fact, no trials take place without a jury, excepting for petty offences against the public peace. In trials before the principal sheriff and a jury, the procurator-fiscal of the shire acts as prosecutor; and the sentence may be appealed from to the Court of Justiciary, whose decision is final, not being reviewable by the House of Lords.

In Scotland there is no coroner; and no grand jury, except in cases of high treason, which are tried in the English form, before the Court of Justiciary, or a commission of Oyer and Terminer, of which three members must be Justiciary judges.

In the progress of the ordinary causes, the indictment must be delivered to the prisoner at least fifteen days before trial. It must be drawn very specifically and accurately, extremely slight technical errors being sufficient to vitiate it; and annexed to it must be a list of the witnesses and of the jurymen who are to be summoned, and a list of the articles to be exhibited as evidence for the prosecution, which, if demanded, must be also shown to the prisoner before trial.

The day of trial being arrived, either in the High Court of Justiciary or Circuit Court, the jury are taken from a list of, at least, forty-five, returned by the sheriff, of whom, two thirds are common, and one third special, jurors; and the jury is ballotted for, so that one third may be special, and two thirds common, jurors; though, if the accused be a landed proprietor, he is entitled to have a majority of special jurors. Besides challenges on cause assigned, the prosecutor and prisoner may each challenge peremptorily five jurors, but only two special jurors. The number of the jury is fifteen. If a prisoner do not appear, he cannot be convicted of the crime charged, but merely have sentence of outlawry pronounced against him; from which he may afterwards be relieved on surrendering himself for trial.

The first step is to read the indictment, and to determine on its relevancy, *i. e.* whether the facts alleged be sufficient, if proved, to constitute the crime charged. This is the stage for bringing forward all objections to the indictment, which would not be received after the court has formally declared it to be good. A prisoner has always counsel: if he be too poor to fee one, the court will order a barrister to act for him; but this is never necessary: the number of junior

counsel willing to act gratuitously is always greater than that of the trials; and, in Edinburgh, at all times, and on the circuits, when important civil jury trials are to come on, it is not unusual to see the senior counsel conducting, without remuneration, the defence in difficult criminal causes.

The witnesses do not hear each other examined; and if the prosecutor can be shown to have held communication with them after they were formally cited to appear in court, the prisoner may successfully object to their being examined. The prosecutor, too, must close his evidence before the evidence in exculpation begins. The Scotch rules of evidence give the prisoner an advantage, which, in England, he enjoys only in cases of high treason: he can be convicted only on the testimony of two witnesses, or of one witness supported by circumstantial evidence so strong as to equal that of a second witness. The evidence for both parties being finished, counsel on both sides address the jury, the prisoner having the last word; after which the judge charges the jury.

The verdict need not be unanimous: the narrowest majority is sufficient to convict as well as to acquit. A verdict of Not Guilty indicates a belief by the jury in the prisoner's innocence: Not Proven indicates suspicion, but a want of proof of guilt. Either verdict is conclusive: it is not possible again to imprison or try the prisoner for that crime. In capital cases, the Crown counsel has power, before moving for sentence, to restrict the libel, — a form which disables the judge from pronouncing a capital sentence. After sentence has been pronounced, the criminal may, as in England, appeal to the mercy of the Crown; and to allow time for this appeal, it is provided that no capital sentence shall be executed sooner than fifteen days after sentence, if south, or sooner than twenty, if north of the Tay. Till lately the time was longer.

The following table, from a late work, will show the result of the Scotch criminal system: —

Average of Cases for Three Years ending December, 1828.

Average of cases transmitted annually to the Crown counsel in Edinburgh -	589
liberated immediately from deficiency of evidence - -	128
remitted immediately for trial before the sheriff - - -	137
indicted in the Court of Justiciary or Circuit Courts - -	216
acquitted ultimately - - - - -	25

CHAPTER VII. — Constitution, Courts, etc., of Ireland.

Sect. I. *Sketch of the Political Circumstances of Ireland since the Revolution.*

The treaty of Limerick, in 1691, forms one of the principal epochs of the history of Ireland. During the century at the close of which this treaty was contracted, the whole landed property of the country, with a few insignificant exceptions, changed masters. In the reign of James I. more than, 2,800,000 Irish acres, being by far the greater part of the province of Ulster, escheated to the crown through the imputed rebellion and flight of the Earls of Tyrone and Tyrconnel; the forfeitures during the civil wars of the protectorate extended over 7,800,000 acres; and those of the adherents of James II., during the subsequent war between him and William III., to upwards of 1,000,000. The whole superficies of Ireland contains somewhat more than 12,000,000 Irish acres; "so that," as was observed by Lord Clare in his speech on the Union, "the whole of the island was confiscated, with the exception of the estates of five or six families of Irish blood, some of whom had been attainted in the reign of Henry VIII., but recovered their possessions before Tyrone's rebellion, and had the good fortune to escape the pillage of the English republic, inflicted by Cromwell; and no inconsiderable portion of the island has been confiscated twice, or perhaps thrice in the course of a century. The situation of the Irish nation, at the Revolution, stands unparalleled in this respect in the history of the inhabited world."

The effects of the non-fulfilment, or rather violation, of the primary article of the treaty of Limerick, which guaranteed to the Catholics the same religious privileges they had enjoyed during the reign of Charles II., were immediately felt. The ardent spirits who survived the wreck of their cause, shut out from all hope of distinguishing themselves at home, withdrew to France to await some favourable chance of recovering their lost fortunes; and the original stimulus thus given to emigration was perpetuated by the operation of the penal laws, which drove the *élite* of the Catholic body to seek an asylum in a foreign land from the grinding persecution they suffered in their own. It has been stated, on the authority of records in the military offices at Paris, that, between 1691 and 1745, no fewer than 450,000 Irishmen died in the service of France.* The Catholic clergy, hunted down like animals *feræ naturæ*, were driven out after the others, with the exception of those, in number not a few, who clung to their creed and their congregations through all extremities, and continued in spite of the combined efforts of fanatical and political persecution, to hold their religious assemblages in decayed uninhabited houses in towns, and in

* *M'Geoghegan, Histoire d'Irlande*, tom. iii. p. 754. See, also, *Newenham on the Population of Ireland*, p. 60.

caves, glens, or morasses throughout the country. That part of the Catholic population which the want of means to emigrate, or the uncontrollable love of country, retained at home, finding themselves cut off from all hope of realising a respectable and permanent independence by agriculture, gave up tillage, and turned their lands to pasturage, by which they were able to maintain with little expense an existence somewhat better than that of the animals they reared, and in which the amount of their profits could be less easily detected. The new English settlers found the hopes of aggrandisement, which had led them to expatriate themselves, checked by unexpected obstacles. Though the undisputed masters of the soil, they soon discovered that their broad lands were little better than a barren waste, if unprovided with the means of cultivation. Few in number themselves, and those few elevated to the rank of landed proprietors, they were driven to the necessity of employing the Catholic population in the performance of manual labour. Hence estates, except in the northern counties, were stocked with an ignorant, reluctant, and consequently lazy and intractable tenantry.

The operation of these causes sufficiently serves to account for the state of Ireland, for more than fifty years from the Revolution. On recurring to the annals of that period, it is nearly impossible to develope anything meriting the name of history. A space of half a century unmarked by any occurrence worthy of being handed down to posterity might, in the then rapid progress of moral civilisation throughout all other nations, be deemed a second anomaly in the state of this island, were it not that the accurate investigator is able, even in this superficial barrenness, to trace the germs of the events and circumstances that now draw upon this long neglected and unnoticed appanage of British dominion so large a share of the attention of parliament and of the public.

The history of Ireland till the year 1768, is confined to the efforts made to extirpate the Catholic religion by penal laws, and to the petty struggles of the newly formed Protestant aristocracy to assert a position of national independence with respect to their parliamentary connection with Great Britain. The principal provisions of the penal laws may be summed up with sufficient accuracy for our purpose in a very few words. By a succession of acts passed during the reigns of Anne, George I., and George II., Popish fathers were prohibited from being guardians to their own children conforming, however young, to the Protestant religion. No Protestant could marry a Papist having an estate in Ireland. Papists could not purchase lands, nor hold them by lease for a term longer than thirty-one years; and if such lease produced a profit greater than one third of the rent, the right in it ceased, and passed over to the Protestant who discovered such increased profit. The estate of a Papist was to be gavelled (divided) after his death among his children; and, in failure of children, among his collateral kindred. Papists were excluded from residence in Galway and Limerick. Voters at elections were obliged to take the oaths of allegiance, abjuration, and supremacy. No Papist could take an annuity for life. Papists teaching either publicly or privately, were to be prosecuted as Popish regular convicts: Popish priests on conforming, were to receive

a stipend of 30*l.* per annum, until better provided for in the Protestant church. The following rewards were offered for discovering Popish clergymen and schoolmasters: — for an archbishop, bishop, or vicar-general, 50*l.*; for a regular or secular priest not registered, 20*l.*; for a schoolmaster, 10*l.* Protestants were authorised to proceed in chancery to compel discovery against any person suspected of being concerned in any sale, lease, mortgage, or incumbrance in trust for a Papist; all issues under such proceedings to be tried by none but known Protestants. No Papist was to take more than two apprentices, except in the linen trade. Papists were prohibited from being on grand juries. In trials on any statute for strengthening the Protestant interest, the plaintiff might challenge a Papist, which challenge the judge must allow. Papists were to find Protestant substitutes for the militia, and to pay double. They were prohibited from being high or petty constables. Barristers and solicitors marrying Papists were to be subject to all the penalties on Papists; marriages between Protestants and Papists, or those celebrated by Popish priests, were annulled. Popish priests celebrating marriages between Protestants and Catholics were to be punished capitally.

Such are the principal clauses of the anti-Catholic penal code, probably the most atrocious system of persecution and tyranny ever established in any European country. In his letter to Sir Hercules Langrishe, Mr. Burke says, "The laws made in this kingdom (Ireland) against Papists were as bloody as any of those that had been enacted by the Popish princes and states; and when these laws were not bloody they were worse; they were slow, cruel, outrageous in their nature, and kept men alive only to insult in their persons every one of the rights and feelings of humanity. * * * You abhorred this code, as I did, for its vicious perfection. For I must do it justice. It was a complete system, full of coherence and consistency; well digested and well composed in all its parts. It was a machine of wise and elaborate contrivance; and as well fitted for the oppression, impoverishment, and degradation of the people, and the debasement in them of human nature itself, as ever proceeded from the perverted ingenuity of man."

The spirit in which this detestable code was acted upon may be inferred from the circumstance that, in 1708, on the rumour of an intended invasion of Scotland by the Pretender, forty-one Roman Catholic noblemen and gentlemen were imprisoned in Dublin Castle; and when they were liberated, government was so sensible of the wantonness of the infliction, that their fees, amounting to 800*l.*, were remitted. About the same period the House of Commons deemed it necessary to denounce a custom continued from time immemorial for infirm people to make an annual pilgrimage to St. John's well in the county of Meath, declaring by a vote that those sickly devotees were assembled in that place to the great danger of her Majesty's government. This vote was followed by others, declaring those who did not give information of their knowledge as to the saying and hearing of mass, under circumstances contrary to law, to be enemies to the queen, and that the *prosecuting and informing against Papists was an honourable service to the government!* At the commencement of this period, the plan of establishing schools for the reception of children of the

poorer classes, in the view of educating them in the Protestant faith, was devised and looked upon as an infallible means for the speedy extirpation of the Catholic faith. This device, however, was as unsuccessful as the others. Yet the schools in question, since known by the name of charter schools, have been only lately discontinued as objects of public patronage and support. Several enumerations of the population were also made at different times in the view of ascertaining the proportion between the two great divisions of the nation.

While the dominant party was thus seriously engaged in securing the Protestant interest, its efforts towards maintaining a position of legislative independence with respect to the English parliament were desultory and feeble. The details will appear more appropriately under the general view of the constitution of Ireland. As to other points, the annals of this period are marked by a struggle to resist the introduction of a copper coinage, the want of which was then much felt, proposed by an individual of the name of Wood, who had influence enough to procure a patent for the purpose from the King. The affair assumed a character of national interest through the opposition it encountered from the celebrated Dean Swift; but the English government, having wisely yielded to the burst of public feeling, the whole evaporated in a harmless though noisy explosion. A dispute about the election to the mayoralty of Dublin, and an act of the English government by which it disposed of a small redundancy of the supplies contrary to the will of the House of Commons, were the only political movements worthy even of slight notice. The effects of the change from tillage to pasturage soon began to be felt; to meet which an act was passed, at the instigation of primate Boulter, the great supporter of the British interest in his day, that all landholders should be compelled to keep five acres out of every hundred under tillage. The Irish parliament also directed its attention to the promotion of public works, of which inland navigation was then deemed the most important, and the legislative provisions and parliamentary grants for its promotion gave rise to the canals now in existence. We have elsewhere noticed the suppression of the woollen manufacture (Vol. I. p. 635.) by the parliament of England, and the encouragement given to the Irish linen trade. The Irish parliament had the meanness not only to acquiesce in the arrangement, but to sanction it by special enactments. Yet the linen manufacture took root only in the northern or Protestant districts of Ireland. The woollen had been time immemorial the staple of the south and west. Its destruction may, therefore, be considered as another cause, hitherto unnoticed, of the Catholic emigration, which abstracted so much of the national property and industry at this period. In addition to the linen manufacture, that of silk was introduced about the same time. Supported by the patronage of the Irish Court, aided by the invention of a fabric of a new and beautiful texture, in which Irish woollen yarn, otherwise prohibited, was legally blended with silk, it has maintained a confined and struggling existence in the immediate vicinity of the capital, beyond which, when attempted to be extended, it invariably withered away and perished.

During the two invasions with which England was disturbed in this portion of the eighteenth century, Ireland remained tranquil. A

public document of high authority declares that no vestige of evidence appears to lead even to a suspicion that, in the rebellions of 1715 and 1745, the slightest intercourse was maintained between the Irish Catholics and the partisans of James in Scotland. The celebrated Lord Chesterfield, Lord Lieutenant of Ireland during the latter of these rebellions, so far from deeming any further restrictive measures necessary against that body, chose it as a suitable time for making some relaxation in the practice of the penal code. Afterwards, on the apprehension of a French invasion in 1759, followed by the landing of a partisan force under Thurot at Carrickfergus, the Catholic Committee of Dublin, a body formed about two years before to procure the relaxation of the penal laws, presented an address to the Lord Lieutenant declaratory of their determination to adhere to the existing government: and at the same critical period several wealthy individuals of that persuasion came forward with offers, if needed, of large sums for the public service.

Two circumstances, apparently trifling, but ultimately leading to important results, mark the close of this and the commencement of a new political era. Their details, however, belong more appropriately to the general view of the Irish constitution; so that it will be sufficient here merely to state the facts. The one was the permanent residence of the Viceroy, who had hitherto visited the country but once every two years; the other was the change from parliaments terminating only on the demise of the crown, to octennial parliaments. The incipient spirit of agitation in the transatlantic colonies was another and a most active element in effecting the changes of political feeling and action that mark the interval between 1770 and the Union. The progress of the change was accelerated by the open rupture between Great Britain and the Colonies. The warning so lately given by Thurot's attempt, which might have opened the eyes of England to the facilities for invading Ireland, had been unheeded. In the desperate struggle for the maintenance of long established dominancy by Great Britain, and of newly proclaimed independence by America, Ireland was drained of its troops, insomuch that on an alarm of invasion from France, the answer given by the Viceroy to an application for military protection was, "that the government had none to give; and that the people must look to themselves for the means of defence." The hint was sufficient. The military spirit, engrafted in the Irish by centuries of internal commotion, found at length a legitimate vent. It showed itself in the organisation of detached bodies of military. The spirit thus afloat was encouraged by government, who issued arms for the new corps of self-embodied volunteers; but, with a sagacious and unsuspected precaution, took care that the guidance of a body so formidable should devolve upon individuals who, while of acknowledged popularity as to their political sentiments, were bound to the existing order of things by the tie of large territorial possessions. The people, becoming aware of their power, began to look for a release from those shackles which had, since the revolution, paralysed the energies and dried up the resources of the nation. They called for a free trade. Their petition, backed as it was by 50,000 bayonets, was unhesitatingly acceded to. Success encouraged higher expectations. It was felt

that commercial and manufacturing prosperity could only be secured by political independence. The country therefore called for a reform of parliament, the constitution of which, however amended by the alteration already noticed, was very far from affording due means for expressing the real sentiments of the great body of the people. A meeting of delegates from the volunteers of Ulster, held at Dungannon, in 1782, passed a series of resolutions declaratory of the right of Ireland to self-legislation, controlled only by the veto of the sovereign, and of the necessity of a reform in the Commons' House. The first of these demands was acceded to. Great Britain renounced, by a formal act, the right of legislating for Ireland; the question of reform was suffered to lie in abeyance. The spirit of the people could not brook delay. A convention of delegates from every volunteer corps in Ireland, for the express purpose of conveying to the legislature the call of the people on the subject of reform, was fixed to be held in Dublin in 1783. The convention met accordingly. Its only act was a resolution declaratory of the necessity of a reform in parliament: a motion to effect which, having been introduced into the House of Commons, was rejected by a large majority, on the justifiable ground of its having emanated from an armed body distinct from the legislature. The convention adjourned the next day, and never after re-assembled. The spirit of volunteering thenceforth declined. The restoration of peace rendered the services of the volunteers unnecessary; their late political movements caused them to be viewed with augmented suspicion by the government; and the difference of opinion, both among their leaders and among the bodies themselves, as to the treatment of the Catholics, produced a schism which facilitated the efforts of the government to effect the demolition of the system.

The formation of a committee to devise measures for the relaxation of the penal code has been already noticed; and after the experience of three quarters of a century had demonstrated that the code itself was as inefficient as it was oppressive and revolting, it began to be regarded in its true light by the more liberal Protestants, and its most obnoxious and insulting provisions were consequently abolished. In 1774 an act was passed authorising his Majesty's subjects, of whatever persuasion, to testify their allegiance to him. By subsequent acts Papists were allowed to hold lands for 999 years, or for five lives; their lands were made descendible as those of other subjects; Papists, on taking a prescribed oath of allegiance, might purchase lands and dispose of them by will, or otherwise, at pleasure; Popish ecclesiastics, on registering their name and abode, were discharged from all penalties; Popish schoolmasters were also released from penalties. But the principal measure of relief was the act of 1793, which, after repealing the laws subjecting Papists, or persons marrying Papists, or educating their children as such, to the disabilities already stated, admitted them to vote at elections for members of parliament.

While the peaceable and legal efforts of the Catholics of the higher orders, under the guidance of their committee, were thus unrivetting link by link the shackles of the penal code, the lower classes were employing more summary and less justifiable methods for relieving themselves from the grievances that more immediately pressed upon

them. Their chief causes of complaint were the high rents of land and the exactions of tithe proctors, a body of men who farmed the tithes from the Protestant incumbents at an under price, and remunerated themselves by exacting them with the utmost rigour from the cultivators of the soil. The impost of tithe, from its very nature most unpalatable to the Catholic landholder, was rendered still more unpopular by a resolution of the House of Commons, in 1735, exempting pasture lands from its payment, and which, consequently, made the tax be levied with greater strictness from the petty crops of potatoes and grain which the small farmer was necessitated to raise for the support of his family. The people in the southern and western counties assembled in large bodies, by night, to prevent, by summary acts of outrage, the levy of tithe or the payment of rack-rents. They obtained the name of White-boys from wearing shirts over their clothes, that they might know each other during night. Sanguinary laws were enacted to suppress these associations, notwithstanding which they not only continued, but extended to the northern counties, where the associates were known by the names of Hearts-of-Oak, Hearts-of-Steel, Peep-of-day-Boys, and Defenders.

The efforts of the volunteers to obtain a reform in the representation of the people having been neutralised as already mentioned, the advocates of that measure founded a society called the Whig Club. Their struggles being equally unavailing, ill success stimulated the more violent and sanguine of the party to adopt measures of an unconstitutional nature. For this purpose they formed themselves into a well organised and active society, that of United Irishmen, bound together by oaths, and communicating by secret signs. The society does not appear to have been originally actuated by rebellious motives, whatever may have been the case with some of its leaders, but merely by an ardent wish to obtain a reform in parliament, and the abolition of all disabilities affecting the Catholics. But all attempts to carry these measures by constitutional means having been defeated, the society, despairing of any better success in future, impatient of further delay, and urged on by the example and the agents of France, determined to raise the standard of rebellion, and to establish by force of arms a republic in Ireland. They carried on their projects with so much vigour and secrecy, that they had embodied upwards of 100,000 armed men before the extent of the conspiracy was fully known to government, and had also prevailed upon the republican government of France to fit out a large armament for their aid. The armament, after lying in Bantry Bay for a few days in the winter of 1796, was forced to return home by stress of weather. Disappointed in this hope, and goaded on by the increased severity of government, the United Irishmen broke out into open rebellion in 1798. The insurrection raged most violently in the counties of Wexford, Wicklow, Down, and Antrim; but it was soon put down, though with a great loss of life, the destruction of much property, and the perpetration of many enormities. The suppression of the rebellion led to the Union, long a favourite measure of the British ministry; after which Ireland appears under a new character; no longer an independent though subordinate kingdom, ruled by the same monarch, and governed by a se-

parate legislature, but as an integral portion of the British empire, taking part, according to an estimated assessment of its population and resources, in the deliberations of the Imperial Parliament.

A principal inducement to the Catholics to accede to the surrender of national independence was the hope held out to them that their favourite object, the total repeal of the penal laws, would be thus facilitated. They were disappointed. The introduction of the question into the Imperial Parliament caused a change of ministry, and severe measures of legislation were adopted towards Ireland. In 1803 an insurrection broke out in the city of Dublin, which was suppressed with the loss of a few lives, on the night in which it commenced. A similar attempt in the county of Down had a similar termination. The repeated rejection of the Catholic petition in the Imperial Parliament, before which it was almost annually brought forward, led to a new organisation of the Catholic body in Ireland, under the name of the Catholic Association. The celebrated Daniel O'Connell was the originator and the moving spirit of this newly formed body. Its distinguishing features were, the admission into it of the whole Catholic population, on payment of a penny a month per head under the name of "Catholic rent,"—a strict adherence to the letter of the law, however adverse or oppressive,—and a determination to vote at elections against every candidate not pledged to advocate the Catholic question, whatever might be his other claims to popular favour. The association gained ground every year. A counter association was formed by the more intolerant portion of the Protestants, under the name of the Brunswick Club. The portion of the Protestants favourable to Catholic admission formed a third association, under the name of The Friends of Civil and Religious Liberty. The anticipated conflict of three powerful bodies, thus marshalled for and against a question of such intense interest, was prevented by the unexpected, but most judicious, declaration of the Duke of Wellington, then Prime Minister, of the necessity of conceding the Catholic claim. The admission of Catholics into both Houses of Parliament gave an altered tone to these assemblies. The Reform Act rapidly followed that of emancipation; and has been, in its turn, followed by a modification of the church establishment, and of the payment of tithe,—an impost always unpopular with the great majority of the people, from its nature, the manner in which it is levied, and the purpose to which it is applied.

Sect. II. *Constitution of Ireland.*

The constitution of Ireland is, and has been since the English settlement there, identical in principle with that of England, consisting of a legislature composed of the three estates of King, Lords, and Commons, and an executive vested solely in the Crown, and ramifying thence, through every department, from the highest to the lowest judicial and ministerial office. Previously to the English invasion the government of the country was most singular. It consisted of a pentarchy of kings, one of whom claimed a right of paramount sovereignty. This right was acknowledged to rest in two families, one of

which usually acquired it from his fellow by the sword. The title of king was held to be hereditary in the family, but elective as to the individual. The nomination of a successor, styled Roidamna, took place during the life-time of the sovereign, whom he not only succeeded after death, but aided in the subordinate functions of royalty during his life. The same arrangement of hereditary descent and elective succession extended itself, not only to the other members of the pentarchy, but to many of the minor toparchs or chieftains, most of whom arrogated to themselves the title and powers of royalty within their respective territories. The sole distinction as to this point between the supreme monarch and the subordinate kings and toparchs was that, with respect to the latter, the successor had the title, not of Roidamna, but of Tanist. The judges, styled Brehons, held their courts in the open air, often on hills or in retired recesses, seated on chairs rudely shaped out of the rock. The laws were not wholly traditionary. Among the scanty relics of Irish literature that have survived the ravages of time and war, are several fragments of the Brehon laws, in which the text is invariably illustrated by a copious and minute commentary; thus proving incontestably the record itself to be of a period considerably anterior to that of the existing manuscript, which is also of an antiquity past all means of tracing its origin. The revenues of the Crown and the judicial fines were collected in cattle, apparel, and iron, from the native Irish, and in wine from the Danes. There exist, also, faint traces of a general assemblage of the great men of the island, somewhat in the nature of a parliament, held triennially, and named from its place of meeting, "the Fez of Tarah." The latest account of its convocation is in the middle of the fifth century, when St. Patrick is said to have taken part in its deliberations. The unsettled state of the country, and the invasions of the Danes, are alleged as the chief causes of its discontinuance.

Henry II., during his short residence in Dublin, introduced the germs of English law, by granting charters to Dublin and the other leading towns which acknowledged his rule. His example was followed more effectually by his son John, who came over during his father's life-time as Lord of Ireland; and who, in a second visit, after his accession to the throne of England, divided the land into counties, increased the number of chartered towns, erected courts of law and equity, and appointed justices, bailiffs, and other subordinate officers, according to the forms recognised in England. These institutions, however, extended solely to the parts of the island subject to the English. The remainder was still held by the Irish kings and dynasts, according to the rules of their native law. These were now considered each as sovereign in his own territory, but tributary to the King of England. Roderic, King of Ireland, at the period of the invasion, did homage and swore fealty by his proxies to Henry, a year or two after that monarch's departure; and resigned by deed the sovereignty of certain districts, that he might enjoy the remainder of his dominions in peace. This tenure of subordinate supremacy in the Irish is recognised in the writs emanating from the English Crown during this period, which are directed to the archbishops, bishops, kings, earls, &c. Another point deserving of attention in investigating the origin of the Anglo-Irish

constitution is, that in all the delegations of royal authority the paramount sovereignty of the English Crown is expressly reserved. When John was sent over by Henry II., with powers otherwise unlimited, there was a saving in his patent of the rights which pertain to the Crown. A similar grant of delegated authority from Henry III. to his son Edward has also the saving clause, that Ireland be never separated from the Crown of England. The recognition of these rights was greatly facilitated by the co-operation of the clergy. A council held at Cashel, in which the Bishop of Lismore presided, as legate from the Pope, decreed a uniformity of religious doctrine and discipline with the church of England, then in communion with the church of Rome.

The precise period at which the parliament of Ireland assumed its character of an assembly of lords spiritual and temporal, in one house, and of knights, citizens, and burgesses, in another, still remains uncertain. Sir John Davis says, "that the High Court of Parliament in Ireland was instituted by Edward II., and that the laws made in the parliament of England were transmitted thither under the great seal of England, to be proclaimed, enrolled, and executed as the laws of the realm." Sir John Davis is high authority. But an Irish act of 32 Henry VI. expressly affirms "that the liege people of Ireland used to hold parliaments without interruption from the Conquest by the most noble King Henry of England to the present time." The veracity of this latter assertion is corroborated by a writ of 38 Henry III., issued by the Queen during his absence on the Continent, calling for aid in the war against the King of Castile, who had invaded Gascony. The writ is directed to the archbishops, bishops, abbots, priors, earls, knights, freemen, citizens, and burgesses of Ireland. The earliest extant act of the Irish parliament is of the 3d of Edward II.

The difficulty of investigating the origin and progress of the Irish constitution during these earlier periods is increased by a peculiarity in its organisation. Besides the regularly constituted parliaments, it was usual for the chief governor, in cases of emergency which could not await the customary forms of their meetings, to call special assemblies of the magnates or chief nobles. The decrees of these extraordinary bodies, distinguished by the name of *Magna Concilia*, or great councils, having obtained general acquiescence through the influence of their component members, acquired the force of law, and are not always easily distinguishable from the acts of parliament which had passed through the customary legislative processes during the periods anterior to the existence of regular rolls of parliamentary enactments.

The limitation of the English law to the districts possessed by the English settlers and their descendants, led to that most calamitous system of government, an *imperium in imperio*, from which, as from a root, the whole subsequent disasters of the country may be traced. That the system of English government and jurisprudence, however novel and complicated, was far from being uncongenial to the feelings and wishes of the great body of the Irish people, plainly appears from the fact that, so early as the reign of Edward I., the Irish made an offer to that King of a contribution of 8,000 marks to be admitted to the benefits of the English law. On this proposal having been transmitted

to the King's lieutenant, to be laid before his parliament in Ireland, it was rejected by the Anglo-Irish nobility, who conceived that their influence would be weakened and their power contracted by the participation of the Irish in their laws. A second application of the same kind met with a similar fate. In consequence, the spirit of hostility between the two great divisions of the population — the native Irish and the descendants of the English settlers — gradually spread its roots on all sides till their eradication became all but impossible. The English considered the Irish not as strangers merely, but as enemies, admissible to English protection solely by special writ, attainable by large payments, and to which five only of the great Irish families had been specially admitted. The Irish in turn retaliated upon the invaders by desultory aggressions upon life and property, which in the more depressed periods of the English government were warded off, not by force of arms, or by an interchange of friendly legislation, but by the payment of a stipulated annual tribute, known by the name of Black Mail.

The chief governor, who bore the title successively of justiciary, custos or warden, lord lieutenant, and lord justice, was vested with very extensive powers. He could appoint a lord deputy under him during his occasional absence; could convoke, prorogue, and dissolve parliaments at pleasure, and pass laws, according to the royal style, without any communication with England. His military jurisdiction was equally extended: He could at will summon all the King's subjects to attend him, both in his hostings against revolted subjects or enemies, and in his progresses of a more peaceful nature throughout the country.

Parliaments, according to their original constitution, were held annually. This arrangement, though made imperative by statute at the close of the reign of Edward II., was so little regarded, that there are instances of two or three parliaments within the year; an abuse which struck so deeply, that a subsequent statute passed to correct it, in 34 Henry VI., was limited to three years.

The inefficacy of the parliamentary system, as carried on by the chief governors of the day, to meet the public exigencies, was so severely felt during the disastrous period that followed the invasion of Edward Bruce, when the English power was reduced to a state bordering on annihilation, that the King issued summonses to the prelates, nobles, and representatives of the Irish people, to meet him in his parliament in England. The answer of some of the parties called upon by this writ shows that the right to an independent local legislature was even then understood and asserted. The clergy of Armagh protested openly against sending members to England, acquiescing, however, in the practice on the present occasion, "through their reverence for the King and the necessity of the times." The people of Carlow, not venturing upon an open protest, pleaded poverty in excuse of their non-obedience of the royal ordinance.

A measure adopted by the English government in Ireland, in the commencement of the reign of Edward III., though, strictly speaking, not within the scope of a history of the constitution, must be noticed, in consequence of the effects it produced. It originated in an order

that all public officers, whose property existed wholly in Ireland, should be removed, and their places supplied by others, born in England and possessed of property there. This unjust and impolitic regulation gave rise to a new distinction among the settlers themselves — that of English by blood and English by birth. Its immediate effect was the assembling of a parliament of the discontented sufferers at Kilkenny, in opposition to the Lord Lieutenant's parliament convoked at Dublin. To close this schism the King sent over his son Lionel, Duke of Clarence. His first act widened the breach. Surrounded on his arrival by followers of English birth, he issued a proclamation to prohibit any of the old English, or of the King's subjects of Irish birth, from approaching his camp. After a short and disastrous stay he was recalled. On his return, a few years after, he relinquished the fatal prejudice against the larger class of English subjects; but, in a parliament held at Kilkenny, he effected the enactment of a statute equally, if not more, prejudicial to the general welfare of the country. It is known by the title of the Statute of Kilkenny. After a declaratory clause against differences being maintained between English born in Ireland and those born in England, it proceeds, among a number of other provisions, irrelevant to the present subject, to enact that marriage or fostering with the Irish, furnishing them with victuals in time of war, or with horses or armour at any time, should be held to be treason. It forbids Irish names, language, apparel, or modes of riding to be used by the English, or the Irish language to be spoken by the Irish resident among the English. It declares the Irish, of Irish lineage, not to be admissible to any cathedral, nor to any ecclesiastical benefice among the English, nor to profession in religious houses there, and prohibits Irish agents, under the names of "pipers, babblers, rhymers," &c. to be received among them.

This statute completely severed any remaining links of mutual amity between the English and Irish. It declared expressly that the latter were irreclaimable. From this period the English power began rapidly to decline. Its scope was limited to a few counties, and the proceedings of the parliament representing so small a fractional part of the island were nugatory. At this time, though Dublin was the more usual place for legislative assemblies, they were frequently held elsewhere. There were numerous sessions at Drogheda. Trim, Kilkenny, and Castledermot were also places for those meetings. The public records notice a sessions at the petty town of Bray. In the beginning of the reign of Henry VII., so boldly did parliament arrogate to itself a total independence, that it declared the impostor, Lambert Simnel, King of Ireland, by the title of Edward VI., and enacted severe laws against those who refused to recognise his right. Henry, to prevent the recurrence of such a circumstance, sent over Sir Edward Poynings as Lord Deputy, accompanied by several English officers of acknowledged ability. Through his influence two statutes were passed which totally changed the character of the Irish parliament. The one was for the adoption of all the statutes lately made in England; a law not novel in its provisions, and confirming rather than trenching on the rights of the Irish legislature, by virtually recognising the necessity of the ratification of an English statute by it in

order to give it the force of law. The other, since exclusively called Poynings' Law, by way of eminence, enacted that no parliament should be held in Ireland until the reasons for holding it and the statutes to be proposed in it, were approved of by the Privy Council in England. This law not only lopped off the hitherto exorbitant powers of the chief governor, but almost annihilated the constitution, by rendering parliament little more than an office for the registry of such laws as the King had previously sanctioned. Its interpretation was attended with almost insurmountable difficulties. If acted upon in the strictness of the letter, it precluded any useful legislation. Parliament is summoned to advise the King as to measures for the general weal: yet, by this law, it could originate nothing, and could discuss only what had been predetermined on before its convocation. To obviate these difficulties different interpretations were given to Poynings' Act. Some contended that those measures only should be treated of which had been certified to the King, and sent back with his approbation, before the meeting of parliament. Others maintained that, subsequently to such meeting, any matters might be treated of which that assembly deemed advisable. So unsettled was the state of opinion on the subject, that the commissions of Henry VIII. for holding parliaments furnish precedents conformable to both positions; and, what is still more remarkable, the same reign gives an instance of one suspension of Poynings' Law by the mere authority of the King, and of another by the parliament without any previous royal licence. To remedy those inconveniencies an explanatory act of Philip and Mary empowered the chief governor and his council to certify over to the King, during the sitting of parliament, such further measures as they deemed useful. But the same act denied parliament the liberty it sometimes assumed of treating of matters which had not been previously certified and transmitted either before or during the session.

Henry VIII. assumed the new titles of King of Ireland and Supreme Head of the Church. The former was received with immediate acquiescence, the latter was for some time obstinately resisted; but, at length, it also was acknowledged, chiefly through the policy of relaxing the rigour of the statute of Kilkenny; in consequence of which the principal chieftains, who had hitherto disclaimed any subjection, returned to their tributary state, and accepted pensions in lieu of black mail. The chief of those refractory lords was the Earl of Desmond, who, though at first he insisted on retaining the privilege enjoyed by his ancestors of not entering any walled town out of his own jurisdiction, at length became a liege subject, and attended his duty as a lord of parliament.

From this period the number of peers and commoners gradually increased in proportion to the extension of the royal authority. But the chief change as to numbers and influence in the lower house was effected by James I., who, in his settlement of Ulster, established a number of boroughs authorised to send representatives to parliament; those representatives, however, from the partial and limited mode of their election, were virtually the nominees of the proprietor, over whom the Crown could usually exercise, either directly or indirectly, an overpowering influence. The parliament convoked in 1613 is gene-

rally considered as the first in which the whole of Ireland was represented. What had been previously dignified by this name was, in reality, the parliament of the *Pale*, a colonial assembly, composed of the lords and commons of little more than four counties. That now convened consisted of 232 members, at the rate of two for each of the thirty-two counties, the remainder being for cities, towns, and boroughs. Its first meeting opened with a contest between the Protestant and Catholic parties, which terminated in a manner altogether ludicrous. The object was the election of a speaker. The Protestant party had the majority, and placed their candidate in the speaker's chair: the other accused them of foul play, insisted that they had the legal majority; and when the speaker of their opponents refused to vacate his seat, they placed the object of their choice in his lap, and thus proceeded to pass resolutions. This disgraceful scene terminated by the secession of the minority. During this reign the Commons endeavoured to modify the operation of Poynings' Law, by claiming the right of being remembrancers to the Privy Council of such laws as were fit to be propounded; and after the fall of Strafford they asserted and established the right of preparing heads of bills to be presented to the chief governor and council for transmission to England.

The mode of passing laws, from this time till 1782, was as follows: — The subject was brought in, by permission, into either house in the form of heads of a bill, under which name it was moved for, introduced, and discussed. If approved of, it was sent up to the chief governor and Privy Council, who either certified it to England, without or with alteration, or suppressed it. If, when sent, it was returned, or, as it was styled, transmitted without alteration, then it passed in the shape of a bill through the house in which it had originated, was forwarded to the other house, and, if approved of there, it passed into a law by receiving the royal assent from the throne by the Lord Lieutenant. But if the bill was sent back from England altered, it was usual either to reject it altogether or to frame anew the heads of a bill in compliance with such alterations, and to transmit them as above.

Cromwell, during his protectorate, revived the attempt made by Edward III., to have Ireland represented in the English parliament. The number of members to be sent over was fixed at a hundred; but the project was not carried into execution.

James II., after his abdication, held a parliament in Ireland, which passed a number of laws; some for the reversal of attainders in the two preceding reigns, others for purposes of universally acknowledged public utility. These were all cancelled by William's parliament after the Revolution; and the enrolments of the grants of dignities, offices, and lands, made under acts of James's government, were erased from the records.

The constitution of Ireland, after the Restoration, is marked by two peculiar characteristics. The members of the House of Commons held their seats, not by septennial election, as in Great Britain, but during the pleasure of the Crown. Their tenure was, therefore, regarded as tantamount to a life estate, subject only to a dissolution on the King's demise. Hence they were virtually unrestrained by any check of popular control. The Lord Lieutenant visited Ireland but

once in two years to hold a parliament and pass the supplies. The government of the country, in the interval, was intrusted to three lords justices, one of whom was either the lord chancellor or primate, both of which offices were always given exclusively to Englishmen for the purpose of maintaining what was called the English interest; the other two were selected from among the most powerful of the great Protestant families. The influence of these latter was often directed to thwart the measures of the British Cabinet, in questions wherein the interests of the two countries were supposed to be at variance, particularly when such measures interfered with their own aggrandisement. The question of the right of the British legislature to control that of Ireland was one of those mooted points, and gave rise to a very learned and spirited essay by Mr. Molyneux, to prove that the parliament of England had no right to make laws to bind the King and people of Ireland. The English commons took fire at what they deemed an attack upon their privileges. In an address to the King they protested against a doctrine fraught with such alarming consequences, and ordered the book to be burned by the common hangman. The question thus set at rest for the moment was revived a few years after. The English House of Lords assumed to itself the right of reversing a judicial decree made by that of Ireland. Its decision was stubbornly resisted. The dispute was cut short for the time by an act of the English parliament, declaring that it had full power and authority to bind the people of Ireland, and further asserting that the peers of Ireland had no jurisdiction to affirm or reverse any judgment or decree whatsoever. The Irish commons, by their silence, appeared to acquiesce in this declaration. The peers asserted their right of appellate jurisdiction in an address to the King, but no notice was taken of it. It is a singular fact, that, while this contest was at its height, the English parliament exercised the right without dispute and almost without notice, and that, too, on a point vitally affecting the interests of Ireland. Catholics had sat in parliament during the reign of Charles II. The Revolution made no change in the law in this respect. Their right still continued unimpaired. An English act of the 3d of William and Mary required all the members of both houses to take the oath of supremacy. The act, according to the Irish ideas of constitutional independence, was not binding in Ireland, yet the commons passed over without notice this infringement on their prerogative. The Catholics submitted passively to it, and, under warrant of this dubious and, in other cases, disputed authority, they acquiesced in their own exclusion, during a period of upwards of eighty years, or until all doubt was removed by the Irish act of the 21st and 22d George III., by which they were excluded in express terms.

The Irish government was at this time nearly independent of parliament. A statute of Charles II. had settled an hereditary revenue on the Crown. This was in effect, so far as its powers extended, a perpetual money bill. The supplies required for extraordinary purposes were granted biennially at the assembling of parliament. The government, desirous of freeing itself from this check, brought in a bill for granting the supplies for twenty-one years. A desperate struggle took place on the question, between the partisans of government and

those members of the House of Commons who wished to retain their own influence by the right of withholding the supplies at pleasure. The latter party triumphed. On a division, the appropriation bill was thrown out by a majority of ONE.

Another source of dispute between the government and the House of Commons emanated from the same source. A surplus revenue, to a small amount, arising from the biennial supplies, remained in the exchequer. The English council insisted on the King's right to dispose of it at pleasure. The commons equally insisted on their absolute control over the public purse. The former body endeavoured to steer a middle course. A message was sent from the King, signifying his previous consent that the monies in question should be applied to certain public purposes. The commons protested against this right of previous consent, and rejected the bill containing the obnoxious expressions. The English council cut the matter short. The monies in dispute were drawn out of the exchequer by the King's letter, and the commons again acquiesced in silence.

The situation of the English government in Ireland at this time was extremely irksome and invidious. In order to carry on the King's business smoothly, it was necessary to conciliate the great landed proprietors, who, in consequence of the preponderancy of the members of close boroughs over those of counties and open corporations, were virtually masters of the House of Commons. The party which thus ruled the country, by playing the British government and the Irish people against each other, was known by the name of the Undertakers. It had a double object; the one, to make the Crown dependent on itself, as far as Ireland was concerned; the other, to check the spirit of liberty in the people, and at the same time to throw upon the government the odium of measures of which it was really the instigator. The extent and mischievous application of its powers may be inferred from the following circumstance. The change from tillage to pasture diminished, to an alarming degree, the revenue of the established clergy arising from the tithe of grain. The incumbents, to indemnify themselves, insisted on their right to the tithe of dry cattle, technically called the tithe of agistment. The law was on their side; but on proceeding to enforce their claim in the courts of justice, the great landed proprietors, who foresaw that their pecuniary interests would be deeply affected by the legal decision, procured a vote of the House of Commons, in 1735, declaring any person who brought forward or supported proceedings in the courts of law for recovering the tithe of agistment an enemy of his country. The denunciation, in a constitutional point of view, was as futile as it was unjust; but, such was the weight of the influence directed against the measure, that pasture lands remained free from any demand for tithe until the Union, when the vote was made law by a special statute. To break down this petty aristocracy, the British Cabinet, in the early part of the reign of George III., resolved that the Lord Lieutenant should preside permanently in Dublin; thus superseding the intermediate agency of the lords justices, and so far neutralising the influence of the party out of which they had been selected. It also changed the duration of parliament; making it, instead of perpetual during the King's life, oc-

tennial, so as to allow the holding of four biennial sessions during its continuance. These new arrangements threw a great addition of weight into the hands of the popular party in parliament. The Undertakers, shorn of much of their influence by being deprived of the distribution of places and pensions, now exclusively at the disposal of the Lord Lieutenant, felt themselves still more forcibly obliged to court public opinion, in consequence of the increased frequency of general elections.

The first effect of the change was a universal call for free trade,—for a repeal of the unjust and impolitic restrictions upon manufacturing industry and commercial speculation, which had hitherto paralysed the energies of the country. Their repeal was conceded. Success on this point led to a second call for a disclaimer on the part of England of its right to make laws to bind Ireland. This was also acceded to, at first, by a repeal of the act of 6 George I., in which it had been openly and authoritatively asserted; and subsequently, to remove all scruples on the part of the Irish commons, which, being backed by an army of volunteers, carried matters with a high hand, by a positive renunciation expressed in the act of the 23d George III., which declared, "that the right claimed by the people of Ireland to be bound only by laws enacted by the Irish parliament, and to have all actions and suits at law and in equity which should be instituted in that kingdom finally decided by the courts of judicature there, and without appeal from thence, is established and ascertained for ever, and is at no time hereafter to be questioned." This arrangement, which took place in 1782, went by the name of the final adjustment. Acts were passed at the same time to prevent the suppression of bills by the Irish Privy Council in their progress to England, and their alteration anywhere; also to limit the powers of the Mutiny Bill to two years.

According to these new regulations, the mode of passing bills was as follows:—The chief governor and council certified to the King, without addition, diminution, or alteration, all such bills, and none others, as both houses judged expedient to be enacted. All bills so certified and returned under the great seal of England, without addition, diminution, or alteration, and none other, were to pass in the Irish parliament. No bill was to be certified into England as a cause for holding a parliament; but no parliament was to be holden without licence first had from the King under the great seal of England. Success in the attainment of these vital points led, as already stated, to a demand from the people in general, through the agency of the volunteers, for a reform in the Commons' House of Parliament, in which, through the predominance of borough interest, the influence of the Crown, supported by the great landed proprietors, was paramount. The call was rejected on the plea of its having been introduced by an armed body.

The final adjustment did not produce the expected effect of setting to rest all differences as to subjects of international policy. The mental derangement of George III., in 1789, led to a question of momentous constitutional importance. It was deemed necessary to appoint a regency. The Prince of Wales, the heir-apparent to the

throne, was chosen Regent by the British parliament, but with restrictions. The Irish parliament offered him the regency with all the powers of a ruling monarch. Had the King's illness continued, the Prince would have held the reins of government in each kingdom according to a different tenure. The temporary restoration of the Sovereign's health silenced a question, of which the Union prevented the revival. The same year which had been marked by the concessions to popular influence now noticed, was marked also by the passing of an act extending to Ireland the provisions of that of the 3d of William and Mary respecting Roman Catholics. They had been excluded *de facto* from sitting in parliament by their voluntary submission to that statute, but not *de jure* until the passing of this latter act, which made the former legally binding. In 1793 this new measure of restriction was repealed. The admission of Roman Catholics to the exercise of the elective franchise, a right rejected by an overwhelming majority the year before, and now granted almost without a division, made another vital change in the Irish constitution. The concluding chapter of the history of the kingdom of Ireland followed close upon the adoption of this measure. In 1799, a legislative union, incorporating the parliaments of the two great insular divisions of the British empire, became, after a tremendous parliamentary struggle, the law of the land.

The leading provisions of this act are: — 1. The permanent union of the two kingdoms into one, under the title of the United Kingdom of Great Britain and Ireland. 2. The succession to the throne to continue limited as before. 3. The kingdom to be represented in one parliament, to be styled the Parliament of the United Kingdom of Great Britain and Ireland. 4. Twenty-eight temporal peers, elected for life, and four spiritual peers, succeeding each other in a rotation of sessions, to be admitted into the House of Lords; and one hundred representatives, two for each county, two for each of the cities of Dublin and Cork, one for Dublin University, and one for each of thirty-one towns and boroughs, to be elected into the lower house. 5. The churches of England and Ireland to be united under the name of the United Church of Great Britain and Ireland; the doctrine, worship, and discipline of which to be the same as that established for the church of England. 6. The subjects of both countries to be placed on the same footing as to manufactures, trade, and commerce. 7. The contribution of each portion of the empire towards the general expenditure to be in the proportion of fifteen to two between Great Britain and Ireland for twenty years; and afterwards to be regulated by parliament. 8. The existing laws and courts of justice to continue as heretofore, except that appeals from the Irish Chancery are to be brought into the House of Lords in England. The royal style was, consequently, changed to that of King of the United Kingdom of Great Britain and Ireland. The act took effect on the first day of the present century.

Two great constitutional changes have taken place since the Union: one occasioned by the act for removing all the disabilities under which the Roman Catholics laboured, and the other by that for the reform of the Commons' House of Parliament.

The former of these statutes enacts that Roman Catholics may vote at elections of members of parliament for England and Ireland, and

for the representative peers of Scotland and Ireland; and may sit in parliament if duly qualified in other respects, on taking an oath prescribed by the act, by which they promise to maintain the succession to the throne as then limited — abjure allegiance to any other person claiming a right to the crown — renounce the doctrine of the Pope's power to depose excommunicated sovereigns, and of his temporal jurisdiction within the British realm. By this oath they also swear that they will defend the settlement of property as established by law, — abjure any intention to subvert the present church establishment, and pledge themselves not to exercise any privilege, acquired by the act, to disturb or weaken the Protestant religion or Protestant government in the United Kingdom. Roman Catholics may hold any civil or military office, except those of guardian and justice, or Regent of the United Kingdom, Lord Chancellor of Great Britain or Ireland, Lord Lieutenant of Ireland, or High Commissioner to the General Assembly of the Church of Scotland, or any office in the established churches of England, Ireland, or Scotland, in any ecclesiastical court, in any cathedral or collegiate foundation, or in any of the universities. No Roman Catholic in holy orders is suffered to sit in parliament. Any Roman Catholic, assuming the title of an archbishop, bishop, or dean, of a diocese in England or Ireland, to forfeit 100*l.* The act contains many other clauses respecting Roman Catholic ecclesiastics, but not connected directly with the constitution. Together with the act here noticed, another, vitally affecting the rights of electors, was passed, which repealed the act qualifying forty-shilling electors to vote for members in counties in Ireland, and limiting the right of voting to persons having freeholds of not less than 10*l.* yearly value. By the operation of this latter act, the number of electors in counties, which had previously amounted to 216,000, was reduced to less than 40,000.

The act for amending the representation of the people of Ireland confers the right of voting in counties on persons holding lands of the clear yearly value of not less than 10*l.* by freehold or any other tenure, for the unexpired residue of any term originally created for not less than sixty years, and of lands of the yearly value of not less than 20*l.* for not less than fourteen years; renewals or new leases at the same rent, and for a term not less than that originally granted, to be deemed a continuance of qualification. The right of voting is also extended to copyholders. The right of voting in cities and towns is vested in freeholders, having a beneficial interest of the clear yearly value of 10*l.* and such lessees and assignees as might vote for the county, and occupiers as tenants or owners of any house or tenement of the value of 10*l.*, if duly registered, and having been occupiers at least six months previous to registry, and having discharged all grand jury and municipal cesses above one half year's amount of such cesses. In boroughs it is vested, as in the English act, in the occupiers of houses or tenements of not less than 10*l.* yearly value, on the condition of twelve months' previous occupation, residence within seven miles, and payment of all the assessed taxes. Freemen are permitted to vote only so long as they are resident within seven miles of the usual place of election; honorary freemen are disqualified. New boundary lines are

prescribed by a subsequent act for all boroughs entitled to return members, which right is continued as in the Act of Union, with the exception of the cities of Limerick and Waterford, the borough of Belfast, the town of Galway, and the University of Dublin, each of which is to return one member in addition to the member it returned since the Union. The right of voting in the university, hitherto confined to the provost, twenty-five fellows, and seventy scholars, is extended to all who have taken the degree of master of arts, or any higher degree, and to all who have at any time been fellows or scholars, such new electors being required to have their names entered on the college books for this special purpose, and to pay an annual sum of one pound for retaining them there. This new arrangement has increased the number of electors to upwards of 1,300. The principal alterations in the number of representatives for Ireland, both in the Irish and Imperial Parliament, are as follows:—In the time of Henry VIII., the number of members in the House of Commons was but 100; in that of Philip and Mary, 104; in that of Elizabeth, 146; of James I., 232; of Charles II., 285; of James II., 298; of Anne, and thence to the Union, 300; in the Imperial Parliament, from the Union to the Reform Act, 100; and since the Reform Act, 105.

The executive is vested in the Lord Lieutenant, who holds office during pleasure, but is generally continued for five years. The extraordinary powers, trenching on the prerogative of royalty, which he formerly exercised, have been gradually lopped off, so that he is now little more than the organ for executing the ordinances of the British cabinet. He still, however, maintains an establishment of regal character, holds a court, is attended by officers of the household, for the support of which he receives a fixed annual salary of 20,000*l.*, two splendid residences, and several minor emoluments, among which the payment of his household by the Crown is by no means trifling. He is aided in the discharge of his official duties by a privy council, composed of all the great judicial functionaries, and other noblemen and gentlemen, nominated by the Crown. The approbation of this body is essential to give validity to many of the Lord Lieutenant's acts. During his absence, or on his demise, his place is filled by three Lords Justices, who are generally the Lord Chancellor, the Archbishop of Armagh, and the Commander of the Forces. But the government of the country is in reality exercised by the Lord Lieutenant's chief secretary, who is usually a member of the cabinet, and has an establishment of under-secretaries and clerks, in London and Dublin, to execute the details of his office. The charge of each county is given to a lord lieutenant, aided by a number of deputy lieutenants, all named by the chief governor, and acting gratuitously. Their recommendation has much weight in the appointment of the county magistracy, though the actual nomination of magistrates be vested in the Lord Chancellor, who has also the power of superseding them. They act without salary. Latterly, a class of paid magistrates, called stipendiaries, has been established, appointed ostensibly to aid the other class, but who, in reality, perform the greater part of the executive duties, and are looked to by the government as more especially responsible for the preservation of the public peace. Their

orders are carried into execution by a constabulary of between five and six thousand men, classed in three divisions of high constables, constables, and sub-constables. Cities and corporate towns have an executive of their own nomination, varying in name and powers according to the special provisions of their respective charters; but these, it is probable, will, at no distant period, be either materially modified or entirely set aside.

SECT. III. *Courts of Justice.*

The system of judicature in Ireland rests on the same principles as that of England, whence it was introduced by King John when Lord of Ireland. He established the Courts of Chancery, King's Bench, and Exchequer, and caused circuits to be made by justices itinerant through all the parts of the island that acknowledged the authority of the King of England.

The *Court of Chancery* has the same jurisdiction and power as that of England; the Lord Chancellor ranks next to the Lord Lieutenant, except within the city of Dublin, where the Lord Mayor takes precedence of him. He is assisted in the discharge of his judicial functions by the Master of the Rolls. This latter office was for a long period nearly a sinecure, the only duty attached to it being the custody of the principal records of the court, which was executed by his deputy; but at the Union, the presence of the Irish Chancellor in the Imperial Parliament being deemed necessary, the Master of the Rolls was vested with judicial powers, subordinate to those of the Chancellor. The salary of the former of these functionaries was fixed at 10,000*l.*, but has been reduced by the late political arrangements to 8,000*l.*; that of the latter continues at the rate fixed in 1815, 4,500*l.* per annum. The Chancellor holds office during pleasure; the Master of the Rolls during good behaviour. The other principal subordinate officers of the court are, the chancellor's secretary; four masters, who investigate the details of judicial proceedings and report thereon; and six clerks, through whom all suits must be brought before the court. By an act of the Imperial Parliament, the six clerks are allowed to sell their offices; and the same custom was until lately permitted with respect to the masters. In 1815, an act was passed empowering the Lord Chancellor to appoint extraordinary commissioners to examine witnesses, and take answers and affidavits in England and Scotland respecting suits in the Irish Chancery; the like powers were vested by the same act in the Exchequer as to suits in equity there. The proceedings in each court have been considerably facilitated by this arrangement. Previously to the Union, the Irish House of Lords was the court of final appellate jurisdiction from the Court of Chancery and the Court of Equity in the Exchequer. This right, after having been claimed by the British House of Lords, was vested ultimately in that of Ireland by acts of both parliaments. At the Union, the right of final appeal was transferred to the House of Lords in the Imperial Parliament.

The courts of *King's Bench, Common Pleas,* and *Exchequer,* are

regulated, both in principle and in practice, as in England. Each is under the direction of a chief justice and three inferior justices, styled puisne judges. All of them hold their offices during good behaviour, are removable only by an address to the King from parliament, and on resigning in consequence of age or infirmity are entitled to liberal salaries during life. For trial of law records and criminal cases the country is divided into six circuits, through each of which two of the judges of the law courts proceed twice a year, during Lent and at Midsummer. In cases of illness or unavoidable absence, their places are supplied on circuit by one of the King's law officers, the attorney-general, the solicitor-general, and three serjeants.

Besides these courts of general jurisdiction, the Lord Lieutenant and privy council used to sit as a court of justice in extraordinary cases, deemed to be beyond the powers of the ordinary courts of equity and law. From having been held in Dublin Castle, this court took the name of the Court of the Castle Chamber; but it was also frequently called the Court of the Star Chamber, from the identity of its objects, principles, and forms, with the English court of that name. It was abolished at the Restoration; but the privy council still sits as a court of appeal, chiefly in ecclesiastical affairs: the Lord Lieutenant nominally, and sometimes personally, presides in it; but the judiciary powers are virtually exercised by the Chancellor, the Master of the Rolls, the heads of the other courts of justice, and such of the King's law officers as are privy councillors. At present, the court consists of what is called the law committee of the council, which, after hearing the case, pronounces judgment in the form of a report to the body at large, which report is always adopted, and thus becomes law.

The other courts sitting in Dublin are, the Prerogative Court, for the trial of ecclesiastical causes; the Court of Admiralty, for offences and suits of debt and damage on the high seas; the Court of Bankruptcy, which is held by commissioners appointed by the Lord Lieutenant; and the Court of Insolvents. This court, constituted in 1821, for the relief of insolvent debtors, is presided over by two commissioners, who, besides their fixed court in Dublin, make circuits through the several counties, one commissioner visiting those in the northern provinces, and the other those in the southern. They are appointed by the Lord Lieutenant.

In order to diminish the expenses and delays attendant on the usual modes of proceeding in the superior courts of law, an act was passed in the reign of William III. for deciding cases of small debts by a summary process, called civil bill. The act, at first, was so inoperative as to be declared obsolete in the beginning of the reign of Anne, when it was revived; and it was further regulated by an act of 2 Geo. I. But the most important step towards removing the impediments to the attainment of justice by the great body of the people, both in criminal and civil cases, was the appointment of county courts of general session, for which purpose every county is divided into two districts, in each of which general sessions of the peace are held four times in the year by the resident-magistrates, who are aided in their deliberations by an assistant barrister. The qualifications for this latter officer are, that he must be a practising barrister, and of six years' standing. He is

ineligible to sit in parliament, and by a recent arrangement is prohibited from practising in the county in which he acts in a judicial capacity. By another late arrangement, magistrates are required to hold courts of petty sessions for the investigation of minor criminal offences, which they had previously been in the habit of deciding in private. The effects of both these changes have been satisfactory.

Every chartered city, town, and borough enjoys the right of holding courts under its own magistrates for the trial of criminal offences, and of civil actions. The nature and extent of the jurisdiction of these courts varies according to the terms of the charter. In some places it is very extensive, embracing cases of felony and of civil action to a large amount; but, according to the practice now universally acquiesced in, processes of a graver nature are referred to the King's judges during circuit.

Every manor, of which the number is very considerable, is entitled to hold courts of record, as in cities and towns, but generally to a very limited extent. The presiding officer is the seneschal, appointed by the lord of the manor. The manor of St. Sepulchre's, of which the Archbishop of Dublin for the time being is lord, claims the right under its charter of inflicting capital punishment; but this right has never been exercised, at least in modern times.

CHAPTER VIII.—Religious Establishments of Great Britain and Ireland.

Sect. I. *Constitution and Government of the Church of England.*

The established Church of England is Protestant Episcopal. Its fundamental doctrines and tenets are embodied in the Thirty-nine Articles, agreed upon in convocation in 1562, and revised and finally settled in 1571. These articles are said to have been chiefly compiled from others drawn up shortly after the Reformation in 1552, in the reign of Edward VI., and which had been repealed under Mary. But though this be the state religion, all others are tolerated under certain restrictions; and civil disabilities can hardly now be said to attach to any class of his Majesty's Christian subjects. The oaths, however, that must be taken before persons are qualified to hold the higher civil and military offices, exclude from them Jews and infidels. The oaths in question are those of allegiance and supremacy, imposed by the 1 Geo. II. c. 13., and of abjuration, imposed by the 6 Geo. III. c. 53. In the case of Quakers and Moravians, declarations to the same effect are substituted. It was formerly necessary for all persons elected to any office to take, within a specified time, the sacrament according to the forms prescribed by the Church of England; but this obligation was rendered unnecessary by the 9 Geo. IV. c. 17., and a declaration substituted in its stead.

The Roman Catholic Relief Act, 10 Geo. IV. c. 7., abolished the declaration against transubstantiation, the invocation of saints, and the sacrifice of the mass, as practised by the Church of Rome; enacting that Roman Catholics, on taking an oath, the form of which is prescribed in the act, in lieu of the oaths of allegiance, supremacy, and abjuration, may sit in parliament, and be admitted to all offices, civil as well as military, excepting those of Regent of the United Kingdom, Lord Chancellor, Lord Keeper, Lord Commissioner of the Great Seal, Lord Lieutenant of Ireland, and his Majesty's High Commissioner to the General Assembly of the Church of Scotland. Roman Catholics are not, however, allowed to hold any church office, nor, if members of a corporation, to vote in church appointments. They are prohibited also from advising the Crown in the disposal of church preferment; and the livings in their possession are disposed of by the Archbishop of Canterbury and the Universities. Neither is any Catholic to use the style or title of archbishop of any province, bishop of any bishopric, or dean of any deanery, in England or Ireland, under a penalty of 100*l.* The only class of Christians at present proscribed on account of religious opinions are the Jesuits, and members of religious orders bound by monastic or religious vows. The statute 10 Geo. IV. c. 7. enacts, that it is a misdemeanor for such persons, unless they be natural born subjects, to come into the kingdom; and that they shall be banished the realm for life. If natural born subjects, they must give notice to the competent authorities, who are authorised to allow them to remain six months. A member of any monastic or religious order, administering or aiding in administering religious vows, is guilty of a misdemeanor: an express exception is, however, made in favour of members of female religious societies. The act 1 W. & M. sess. 1. c. 18., usually called the Toleration Act, amended by the 52 Geo. III. c. 155., orders, that the places of worship of Protestant Dissenters must, before they can be used as such, be registered in the bishop's or archdeacon's court of the diocese or archdeaconry, and recorded by the clerk of the peace, at the general or quarter sessions held for the county or district in which they are situated. The doors of such places of worship are not to be locked or bolted during divine service, under a penalty of not less than 40*s.*, and not more than 20*l.* The Toleration Act also requires certain oaths or declarations to be taken by all ministers or preachers before officiating in any chapels, under a penalty of not less than 20*s.* nor more than 10*l.* It is further enacted, that no person holding any judicial or civil office, nor any corporate officer, shall attend such meetings in the habit or with the insignia of his office. A compliance with these regulations exempts the parties from certain penalties imposed by some old acts passed in the reign of Elizabeth and Charles, which made it necessary that every one should attend divine service in the established church, and prohibited meetings of Dissenters altogether. Dissenting ministers taking the oaths are also exempted from serving in certain parish offices, and from being ballotted for the militia; and their places of worship are protected from disturbance. The places of worship belonging to the Jews do not appear to be recognised by the laws.

The administration of the state religion is intrusted to the clergy;

a class set apart for this purpose, and who constitute what is meant by the Church of England.

In consequence of their sacred duties, the clergy enjoy many immunities. They cannot be compelled to serve on a jury, nor to appear at a court leet or view of frank pledge. Neither can they be chosen to any temporal office, as overseer of the poor, bailiff, reeve, constable, or the like. During their attendance on divine service, they are also privileged from arrest in civil suits. But as they have their privileges, so also they have their disabilities. Clergymen are incapable of sitting in the House of Commons; and the 57 Geo. III. c. 99. disables them, without the bishop's license, from taking a greater quantity of land than eighty acres to farm, under a penalty of 40*s.* per annum for every acre so held. Neither can they engage in any manner of trade, or sell any merchandise, under forfeiture of the value of the goods; every contract made in the course of such dealing being declared to be void.

The clergy may be considered in two characters: — 1. in regard to their sacred duties as ministers of religion; and, 2. as members of an establishment of human institution, deriving its rights and privileges from municipal law. In the former capacity, they are divided into three orders and degrees, bishops, priests, and deacons, in imitation of the Επισκοποι, Πρεσβυτεροι, and Διακονοι, mentioned in the New Testament. In the latter they consist of archbishops, bishops, archdeacons, deans, parsons, and curates.

I. The consecration of bishops, and the ordination of priests and deacons, are religious ceremonies. The first will be mentioned when we come to speak of bishops, as members of the church establishment. The ordination of priests and deacons is performed by a bishop, or archbishop, in the cathedral or church of the parish wherein he resides. The forms of service used on these occasions are given in the Book of Common Prayer, as established by the Act of Uniformity, 13 and 14 Car. II. No person can be admitted to deacon's orders until he be twenty-three years of age, nor to priest's until he be twenty-four. By a faculty or dispensation, however, obtained from the Archbishop of Canterbury, a person may be admitted deacon before he attains the age of twenty-three; but the rule with regard to the age necessary for priest's orders is inflexible. It is enacted by the 44 Geo. III. c. 43., that "none shall be made minister unless it appear to the bishop that he is of honest life, and possesseth the doctrine contained in the Thirty-nine Articles, nor unless he be able to answer and render to the ordinary an account of his faith in Latin, according to the said Articles, or have special gift or ability to be a preacher." The ordinary way in which his qualifications as to character and doctrine are made to appear to the bishop, is by a written testimonial; concerning which, it is directed by canon 34*, with respect to both

* The canons, to which we shall often have occasion to refer, were a series of ordinances made for the regulation of the church by the Archbishop and clergy of the province of Canterbury, convened in convocation, 1603, and which were subsequently ratified by the King. They were also received, and passed, about two years after, by the province of York. Not having the force of an act of parliament, they are binding on the clergy only.

priest's and deacon's orders, that "no bishop shall admit any person into sacred orders, except he shall then exhibit letters testimonial of his good life and conversation, under the seal of some college of Cambridge or Oxford, where before he remained, or of three or four grave ministers, together with the subscription and testimony of other credible persons, who have known his life and behaviour for the space of three years next before." The statute 13 Eliz. also requires, with respect to priest's orders in particular, that "none shall be made minister unless he first bring to the bishop of that diocese, from men known to the bishop to be of sound religion, a testimonial both of his honest life and of his professing the doctrine expressed in the Thirty-nine Articles." It is quite discretionary with the bishop who he admits; nor is he obliged to give any reason for his refusal. Hence the qualifications required sometimes differ, though never materially. If any bishop, however, or suffragan, admit any one to holy orders who is not properly examined and qualified, the archbishop of his province having notice of it, and being assisted by one bishop, "may suspend the bishop or suffragan so offending from making either priests or deacons for two years." By another canon (33.), it is also provided, that "no person shall be admitted into holy orders except he shall exhibit to the bishop, of whom he desires imposition of hands, a presentation of himself to some ecclesiastical preferment then void in the diocese, or shall bring to the said bishop a true and undoubted certificate, that either he is provided of some church within the said diocese, where he may attend the cure of souls, or of some minister's place vacant, either in the cathedral church of that diocese, or in some other collegiate church therein, where he may execute his ministry; or that he is a fellow, or in right as a fellow, or to be a conduct or chaplain in some college in Cambridge or Oxford; or except he be a Master of Arts of five years' standing, that lives at his own charge, in either of the Universities; or except by the bishop himself, that doth ordain him minister, he be shortly after to be admitted either to some benefice or curateship then void: and if any bishop shall admit any person into the ministry that hath none of these titles, then he shall keep and maintain him with all things necessary till he do prefer him to some ecclesiastical living; and if the said bishop shall refuse to do so, he shall be suspended by the archbishop, being assisted by another bishop, from giving orders for the space of a year." The method of examination is laid down by the canons; viz., that when the bishop intends to hold an ordination, all who are desirous to be admitted into the ministry are to appear on the fourth day before the ordination; and there the bishop is to appoint some of the priests attending him, and others skilled in the divine law, and exercised in the ecclesiastical sanctions, who shall diligently examine the life, age, and title of the persons to be ordained; at what place they had their education, whether they be well learned, and whether they be instructed in the laws of God. By the 24th canon, no bishop shall admit any person into holy orders who is not of his own diocese, except he be either of one of the Universities of this realm, or except he bring letters dimissory from the bishop of whose diocese he is. The persons to whom such letters may be granted are those who were born in the diocese, or are

promoted, or are resident in it. In practice, however, they seem generally to be granted by the bishop in whose diocese the candidate is promoted, or where his title lies. The fitness of the person to be ordained as to life, learning, title, and the like, is to be ascertained by the bishop granting the letters dimissory. The 1st of Eliz. c. 1., and 1 W. and M. c. 8., require every person taking orders to take the oaths of allegiance and supremacy before the ordinary or commissary; and, by 13 Eliz. c. 12., none shall be admitted to the order of deacon or minister, unless he first subscribe the Thirty-nine Articles. The 36th canon further requires, that every person, on being ordained, shall subscribe a declaration therein contained, acknowledging the King's supremacy; that the Book of Common Prayer, and of ordering of bishops, priests, and deacons, contains nothing contrary to the word of God; that it may be lawfully used; that he will use the form prescribed in it in public prayer, and in the administration of the sacrament, and none other; and that he allows the articles of religion to be agreeable to the word of God. The 24 Geo. III. c. 35. empowers the Bishop of London, or any other bishop appointed by him, to admit to the order of deacon or priest persons subjects of or citizens of other countries out of his Majesty's dominions, without requiring them to take the oath of allegiance. But they are not to exercise their office within his Majesty's dominions, and this exemption from taking the above oath is to be mentioned in their testimonial. The 31 Eliz. c. 6. enacts, that any person taking any reward or other profit, directly or indirectly, for or to procure the ordaining or making of any minister, or giving of any orders, or license to preach, shall forfeit 40*l.*, and the person corruptly ordained 10*l.*; and if, at any time within seven years, such person accept any benefice or promotion ecclesiastical, the same shall be void immediately on his induction, investiture, or installation; and the patron shall present, or collate, or dispose of the same, as if he were dead.

The offices of priest and deacon differed much more in former times than at present. Anciently, the deacons seem to have performed the duties which at present devolve on the parish clerk, making the responses, and repeating the Confession, the Creed, and the Lord's Prayer, after the priest. In general, however, they now perform the same offices in the Liturgy as a priest, with the exception of pronouncing the absolution, and administering the Lord's Supper; which latter is to be done only by a priest. (13 and 14 Car. II. c. 4.) The reason of deacons not being allowed to pronounce the absolution, seems to depend rather on the form of ordination than the Rubric. The latter, indeed, directs that it shall be done by the priest alone; but the word priest is frequently used there as merely signifying the officiating minister. In the ordination, the authority given to the deacon is, "to read the Gospel and to preach;" while to the priest it is said,—"Receive thou the Holy Ghost: whose sins thou dost forgive, they are forgiven; and whose sins thou dost retain, they are retained." Neither priests nor deacons are allowed to preach without license of the archbishop, or of the bishop of the diocese where they are placed, or one of the two Universities.

The form of service used by the Church of England is contained

in the Book of Common Prayer, first established by the 2d and 3d of Edward VI., and ultimately by the Act of Charles II. already mentioned.

The divine service is not allowed to be performed, nor the sacrament administered, any where but in some church or chapel duly consecrated, though it is said the bishop may grant a license for that purpose until consecration. He, too, performs the ceremony of consecration. No church or chapel, however, is allowed to be consecrated unless it be first sufficiently endowed.

II. *The Ecclesiastical Divisions* of England and Wales are provinces or archbishoprics, dioceses or bishoprics, archdeaconries, deaneries, and parishes; each of which divisions has its functionaries, who preside over the functionaries of the inferior divisions; the King, as head of the church, presiding over all. The archbishops, of whom there are two,—the Archbishop of Canterbury and the Archbishop of York,—have under them, the former twenty, the latter five, bishops. The bishoprics within the province of Canterbury, of ancient foundation, are those of Rochester, London, Winchester, Norwich, Lincoln, Ely, Chichester, Salisbury, Exeter, Bath and Wells, Worcester, Coventry and Lichfield, Hereford, Llandaff, St. David's, Bangor, and St. Asaph; and, of new foundation, that is, of those erected by Henry VIII. out of the ruins of dissolved monasteries, Gloucester, Bristol, Peterborough, and Oxford (the first two are now united). The bishoprics within the province of York are, Chester, erected by Henry VIII., Durham, Carlisle, Ripon, and Sodor and Man. Each archbishop has also a diocese of his own, in which he has the same jurisdiction as an ordinary bishop. Each diocese is again divided into archdeaconries, of which there are at present about sixty; each archdeaconry, into deaneries; and each deanery into parishes. No particular kind of revenue is due to bishops of common right, as it is to parsons. The possessions attached to the different sees differ in no way from lay possessions; and consist indifferently of lands or other property. With respect to these, the bishops are corporations sole. It is in right of their temporal possessions that they sit in parliament.

For the management of ecclesiastical affairs, the provinces have each a council, or convocation, as it is termed, consisting of the bishops, archdeacons, and deans, in person, and of a certain number of proctors, as the representatives of the inferior clergy; each chapter, in both provinces, sending one; and the parochial clergy of each diocese in the province of Canterbury, and of each archdeaconry in the province of York, sending two. These councils are summoned by the respective archbishops, in pursuance of the King's mandate. When assembled, they must also have the King's license, before they can deliberate; as well as his sanction to their resolutions, before they are binding, which they only are on the clergy. In the province of Canterbury, the convocation forms two houses; the archbishop and bishops sitting together in the upper house, and the inferior clergy in the lower. In the province of York, all sit together in one.

Originally, these councils had the exclusive right of taxing their own body; but this was given up in 1664; since which they have almost entirely fallen into disuse; though they still continue to be

summoned, as a matter of form, at the commencement of every parliament; and are prorogued from time to time, and dissolved much in the same manner as parliament.

Powers, Privileges, Election, &c., of Archbishops and Bishops.—The Archbishop of Canterbury is styled Primate and Metropolitan of all England; the Archbishop of York, Primate and Metropolitan of England only: the more extensive title of the former is said to be derived from the Pope having vested the Archbishop of Canterbury with a legatine authority over both provinces.

An archbishop is the chief of the clergy in his province, and has the inspection of its bishops and inferior clergy, and may deprive them on sufficient cause. He has also his own diocese, in which he exercises episcopal, as in his province he exercises archiepiscopal jurisdiction.* Appeals are made to him from all inferior jurisdictions within his province; and from the consistory courts of each diocese to his archiepiscopal court. During the vacancy of any see in his province, he is guardian of its spiritualities, as the king is of the temporalties; and exercises all ecclesiastical jurisdiction therein. When an archiepiscopal see is vacant, the dean and chapter are the spiritual guardians, and have been so since the office of Prior of Canterbury was abolished at the Reformation. The archbishop is entitled to present by lapse to all ecclesiastical livings in the disposal of his diocesan bishops, if not filled within six months. And the archbishop has a customary prerogative, when he consecrates a bishop, to name a clerk or chaplain of his own, to be provided for by such suffragan; in lieu of which it is now usual for the bishop to make over by deed to his archbishop, his executors, and assigns, the next presentation of such dignity or benefice in the bishop's disposal within that see as the archbishop himself shall choose; which is therefore called his option. These options, however, are only binding on the bishop who grants them, and not on his successors. The prerogative itself seems to be derived from the legatine power, previously stated to have been conferred by the Pope on the Metropolitan of Canterbury; the claim being probably set up by the papal see in imitation of the prerogative enjoyed by the emperors of appointing to the first prebend that became vacant after their accession, in every church of the empire. The Archbishop of Canterbury has the privilege by custom of crowning the kings, and the Archbishop of York the queens consort, of the realm. The former has also, by statute 25 Henry VIII. c. 21., the power of granting dispensations in any case, not contrary to the Holy Scriptures and the law of God, where the Pope used formerly to grant them, which is the origin of his granting special licenses to marry at any place or time, to hold two livings, and so forth; and on this also is founded his right to confer degrees in prejudice of the two Universities. The bishops have much the same jurisdiction within their respective dioceses that the archbishops have in their provinces. All bishops have chancellors to assist them in holding their courts, and in other matters of ecclesiastical law. These, as well as all other ecclesiastical officers, must, if lay and unmarried, be doctors of civil law.

* See Ecclesiastical Courts, *antè*, pp. 186—192.

They have also a certain number of chaplains—the archbishops eight, and the bishops six each.

"An archbishop or bishop is elected by the chapter of his cathedral church, by virtue of a license from the Crown, termed a *congé d'élire*. Election used to be, in very early times, the usual mode of elevation to the episcopal chair throughout Christendom, and was made promiscuously by the laity as well as clergy. The confusion which in consequence ensued, and a wish, no doubt, to aggrandise their power, early led the sovereigns to take the appointment in some measure into their own hands, by reserving to themselves a right of confirming the election, and of granting investiture of the temporalties, which now began almost universally to be annexed to the spiritual dignities. Without this confirmation and investiture, the elected bishop could neither be consecrated, nor receive any secular profits. This right was acknowledged in the Emperor Charlemagne, in 773, by Pope Hadrian I. and the Council of Lateran; and is said to have been exercised by the kings of England as early as the Saxon times. In the course of time, however, the custom of making elections by the church having been fully established, the popes began to object to the method of granting these investitures, *per annulum et baculum*, that is, by the prince's delivering a ring and pastoral staff, or crosier; contending that this was an encroachment on the church's authority, and an attempt, by a delivery of these symbols, to confer a spiritual jurisdiction. Towards the close of the eleventh century, Pope Gregory VII. published a bull of excommunication against all princes who should dare to confer investitures, and all prelates who should venture to receive them. Long and eager were the contests occasioned by this famous claim. At length, when the Emperor Henry V. agreed to remove all suspicion of encroachment on the spiritual character, by conferring investitures for the future *per sceptrum*, and not *per annulum et baculum*, and when the Kings of France and England consented to alter the forms in their kingdoms, and receive only homage from the bishops for their temporalties, instead of investing them by the ring and crosier, the court of Rome found it prudent to suspend for a while its other pretensions.

"This concession was obtained in England from Henry I., by Archbishop Anselm; but, about a century afterwards, John, in order to obtain the support of the pope against his discontented barons, consented to give up by charter, to all the monasteries and cathedrals in the kingdom, the free right of electing their prelates, whether abbots or bishops: reserving only to the Crown the custody of the temporalties during the vacancy; the form of granting a license to elect (the origin of the present *congé d'élire*), on refusal whereof the electors might proceed without it; and the right of approbation afterwards was not to be denied without a reasonable and lawful cause, as is expressly stated in Magna Charta. But at the Reformation, the stat. 25 Henry VIII. c. 20. restored the ancient right of nomination to the Crown: it being enacted, that, at every avoidance of a bishopric, the King may send to the dean and chapter his usual license to proceed to election, which is always to be accompanied with a letter missive from the King, containing the name of the person he would have them

to elect; and if the dean and chapter delay the election above twelve days, the nomination is to devolve on the King, who may by letters patent appoint such person as he pleases. This election or nomination, if it be of a bishop, must be signified by the King's letters patent to the archbishop of the province; if it be of an archbishop, to the other archbishop and two bishops, or to four bishops; requiring them to confirm, invest, and consecrate the person so elected, which they are bound to do immediately, without any application to the see of Rome." * Certain forms are gone through at this election, but these are not of any general interest. After election and confirmation, the new bishop is invested with full power to exercise his spiritual jurisdiction: he is not, however, except in the case of translation from some other see, fully bishop until he has been consecrated: a ceremony, of which the form, with that observed at the ordination of priests and deacons, may be seen in the Book of Common Prayer. The oaths of allegiance and supremacy must, on the completion of the ceremony, be administered, together with an oath, in the case of a bishop, of obedience to the archbishop. Every newly elected archbishop or bishop must do homage to the King before he is put in possession of the temporalities of his see, or can sit in parliament.

Archbishoprics and bishoprics become void by death, by deprivation for any gross and notorious crime, and by resignation.

Magnitude and Emolument of Bishoprics. — The discrepancy that prevailed in ancient times in the size of bishoprics, though somewhat diminished by the erection of new ones at the Reformation, has always continued; and the inconveniences thence resulting have been greatly augmented by the wonderful increase that has taken place since 1760, in the population of certain districts compared with others. The following table gives a view of the population, parishes, &c., contained in each bishopric, as they existed on the 1st of May, 1831: —

Benefices, Parishes, Churches and Chapels, and Population of the several Dioceses in 1831.†

Diocese.	Number of Benefices.	Number of Parishes.	Churches and Chapels.	Population.	Diocese.	Number of Benefices.	Number of Parishes.	Churches and Chapels.	Populat
saph - -	160	139	143	191,156	Llandaff - -	194	221	228	181,4
or - - -	131	179	192	183,712	Lichfield and Coventry	623	650	655	1,045,4
and Wells - -	440	479	493	403,795	Lincoln - -	1,273	1,370	1,377	899,4
d - -	255	298	306	232,026	London - -	577	650	689	1,792,6
rbury - -	343	369	374	405,272	Norwich - -	1,076	1,178	1,210	690,1
le - - -	128	100	129	135,002	Oxford - - -	208	207	237	140,7
er - - -	616	530	631	1,883,958	Peterborough - -	305	335	338	194,3
ester - -	266	289	302	254,460	Rochester - -	93	107	111	191,8
avid - -	451	525	561	358,451	Salisbury - -	408	451	474	384,6
am - -	175	140	214	469,933	Winchester - -	389	408	464	729,6
- - -	156	158	160	133,722	Worcester - -	222	230	260	271,6
r - - -	607	681	711	795,416	York - - -	828	741	876	1,496,5
ester - -	283	296	330	315,512					
ord - -	326	346	360	296,527	Total -	10,533	11,077	11,825	13,897,1

} The revenues, too, as well as the territorial extent and population of the different sees, differed very widely; so much so, that while the Bishop of Durham has a nett revenue of from 18,000*l.* to 20,000*l.* a

* *Blackstone's Commentaries*, Book I. cap. 11.

† This table is extracted from the Preliminary Remarks (p. 19.) prefixed to the census of 1831. It does not quite agree with the tables in the Report of the Commissioners of Ecclesiastical Inquiry, but the discrepancies are immaterial.

year, the revenue of the see of Llandaff did not exceed from 900*l.* to 1,300*l.* a year! and there are other instances in which the discrepancy was not much less striking. This difference was partly owing to circumstances connected with the original establishment of the various sees, and partly to the property attached to some having from various causes become in the course of time much more valuable than that attached to others.

But, however the inequalities referred to may have originated, it has long been felt that a new arrangement of the bishoprics, both as respects their territorial magnitude and their revenues, would be highly desirable; and such an arrangement is now in course of being effected. Commissioners appointed in 1834, during the administration of Sir Robert Peel, recommended that two new bishoprics — those of Manchester and Ripon — should be formed in the principal manufacturing districts, chiefly out of deductions made from the territories included in the dioceses of York and Chester. They further recommended that the bishopric of Bristol should be united with that of Gloucester, and that the bishopric of Sodor and Man should be suppressed; and that various changes should be made in the distribution of the territories of the other bishoprics. These recommendations were confirmed in all their essential particulars by the Reports of the Commissioners appointed by Lord Melbourne's government; and are now in course of being carried into effect. Ripon has already been formed into a bishopric; the sees of Gloucester and Bristol have been united; and Manchester will be constituted a bishopric so soon as the avoidance of the existing sees enables that to be done without adding to the total number of bishoprics.

The nett revenue of the different sees, as returned to the Commissioners of Ecclesiastical Inquiry, at an average of the three years ending with 1831, amounted to 160,292*l.* a year, distributed as follows: —

Archbishop of Canterbury	£19,182	Bishopric of Hereford	2,516
York	12,629	Llandaff	924
Bishopric of St. Asaph	6,301	Lichfield and Coventry	3,923
Bangor	4,464	Lincoln	4,542
Bath and Wells	5,946	London	13,929
Bristol	2,351	Norwich	5,395
Carlisle	2,213	Oxford	2,648
Chester	3,261	Peterborough	3,103
Chichester	4,229	Rochester	1,459
St. David's	1,897	Salisbury	3,939
Durham	19,066	Winchester	11,151
Ely	11,105	Worcester	6,569
Exeter	2,713	Sodor and Man	2,555
Gloucester	2,282		

But as a considerable portion of the revenue of some of the sees arises from tithes, the value of which has fallen since 1831, the entire nett revenue of the different sees may, perhaps, be at present (1838) estimated at 150,000*l.* Supposing this were equally divided, it would give 5,550*l.* a year to each see. But it is right that the revenues of the archbishops should exceed those of the bishops; and there may be good grounds for making distinctions in the revenue of the latter,

though not to the present extent. The Commissioners, therefore, suggested, that, saving the rights of the present incumbents, the revenue of the Bishop of Durham should be reduced to about 8,000*l.* a year; and that such deductions should be made from the revenues of the sees of Ely, Winchester, Worcester, and London, as would yield, with the surplus derivable from the see of Durham and the suppressed bishoprics, a fund of about 28,000*l.* a year, which would be sufficient for the endowment of the two new bishoprics, and for augmenting the revenues of such of the old bishoprics as are inadequate for the proper support of the episcopal dignity. These recommendations have since been carried into effect by various orders in council. The revenues of the bishops of Ripon and Manchester are to be 4,000*l.* a year each, and the revenues of most of the other sees are either raised, or to be raised to that level.

By far the largest part of the revenue of the bishops, as well as that of the deans and chapters (see *post*), is derived from land. The estates belonging to the church are mostly let on lives, on the system of fines. This makes the revenue of the different sees fluctuate from year to year according as a less or greater amount of fines is received; and has been a considerable difficulty in the way of the new arrangements. We have elsewhere pointed out the mischievous influence of the practice of letting land by fine. (Vol. I. p. 453.) Indeed the interests of the church, as well as those of the public, would be equally promoted by giving every facility to the conversion of leases for lives into leases for moderate terms of years at an equal rent.

Deans and Chapters. — The dean and chapter are usually said to be the council of the bishop. They form a body corporate, consisting of the dean, who is chief, and a certain number of canons or prebendaries, as the case may be. The possessions of the dean and chapter being, however, for the most part divided, the dean having a certain part in right of his deanery, and each of the prebendaries a certain part in right of their prebends, they form, in respect of their particular shares, corporations sole. The residue is held by the dean and chapter in their capacity of a corporation aggregate. In this capacity they also vote in the chapter. When the bishops dispersed the body of their clergy by appointing them to parochial cures, they appear to have reserved a college of priests or secular canons for their counsel and assistance, and for the constant celebration of divine offices in the mother or cathedral church: the principal of these obtained the name of *decanus*, or dean, probably, as Blackstone supposes, from his being at first appointed to superintend *ten* canons, or prebendaries. By degrees, however, their dependence on the bishop became less and less, until the latter had little more power over them than the right of visitation, as at present, and even this in a very limited degree. The corporate character of the dean and chapter is, of course, derived from the Crown. Of the deans and chapters, some are said to be of old, some of new foundation; the distinction between them, depending on the same circumstances that gave rise to the distinction between old and new bishoprics. Deans of the old foundation come in by election of the chapter upon the King's *congé d'élire*, with the royal assent, and confirmation by the bishop, much in the same way as the bishops

themselves; but, generally, deans of the new foundation come in by the King's letters patent, upon which they are instituted, and then installed upon a mandate, pursuant to such institution, and directed to the chapters. The chapter consists of canons, or prebendaries, sometimes appointed by the King, sometimes by the bishop, and sometimes elected by each other. The chapter, in a collegiate church, is more properly called a college, as at Westminster and Windsor, where there is no episcopal see. There may be a chapter without any dean; as the chapter of the collegiate church of Southwell; and grants by or to them are as effectual as other grants by dean and chapter. In the cathedral church of St. David's and Llandaff, there are no deans; the bishop in each being the head of the chapter.

Every dean must be resident in his cathedral church four score and ten days, *conjunctim* or *divisim*, in every year, at the least; and must continue there in preaching the word of God, and keeping good hospitality, unless prevented by weighty and urgent causes, to be approved by the bishop, or in any other lawful sort dispensed with.

The estates and revenues belonging to some of the deans and chapters are very large. Thus, the dean of Durham has a nett income, exclusive of the expense of servants, and of the establishment, of 4,800*l.* a year, and the chapter of 32,160*l.*: the dean of Oxford has 3,113*l.*, and the chapter of 14,736*l.*; the dean of Westminster has 2,979*l.*, and the chapter 17,566*l.*; and the revenues enjoyed by the deans and chapters of Windsor, Canterbury, Winchester, Worcester, and others, are also very large.

TABLE showing the Amount of the Revenue of the Cathedral and Collegiate Churches of England and Wales at an average of the *Seven* Years ending with 1834, and its Appropriation. — (2d *Report of Church Commissioners*, p. 25.)

Deans and Chapters.	Total annual Revenue.	Total Expenses of Establishment.	Total Sum to be divided among the Members of the Chapters.	Annual Revenue of Dean or other senior Officer.	Annual Revenue of each Prebend or Canon Residentiary.	Number of Prebends or Canons, exclusive of the Dean.
	£ s. d.	£ s. d.	£ s. d.	£ s. d.	£ s. d.	
Canterbury - -	15,463 17 5	5,632 19 1	9,830 18 4	1,634 16 4	683 0 2	12
York - -	2,307 12 1	- -	2,307 12 1	461 10 5	461 10 5	4
St. Asaph - -	2,574 14 1	1,121 13 7	1,453 0 6	103 15 9	103 15 9	13
Bangor - -	No revenues	or establishment as a corporate body.				
Bath and Wells	6,431 6 10	1,261 8 2	5,169 18 8	747 2 8	737 2 8	6
Bristol - -	4,489 13 11	1,106 15 2	3,382 18 9	890 14 9	415 7 4	6
Carlisle - -	5,020 4 0	1,077 9 6	3,942 14 6	1,384 16 6	639 9 6	4
Chester - -	1,995 10 6	927 14 5	1,067 16 1	316 19 1	125 2 10	6
Chichester - -	4,611 12 9	1,471 18 0	3,139 14 9	629 17 9	627 14 3	4
St. David's - -	1,361 11 8	202 14 8	1,158 17 0	193 2 10	193 2 10	5
Durham - -	36,935 7 0	4,774 10 4	32,160 16 8	4,800 4 8	2,280 1 0	12
Ely - -	7,685 16 6	1,267 9 11	6,418 6 7	1,357 13 11	632 11 7	8
Exeter - -	9,839 4 5	2,062 5 8	7,776 18 9	864 2 1	864 2 1	8
Gloucester -	5,317 16 7	1,290 5 2	4,027 11 5	1,051 17 11	495 18 11	6
Hereford - -	4,238 14 4	714 15 4	3,523 19 0	543 8 4	596 2 1	5
Llandaff - -	965 17 10	242 13 3	723 4 7	116 2 7	50 11 10	12
Lichfield - -	1,673 4 0	330 0 0	1,343 4 0	285 17 0	176 4 6	6
Lincoln - -	6,670 19 3	899 17 1	5,771 2 2	1,442 7 5	1,442 18 3	3
London - -	9,490 8 11	1,320 11 3	8,169 17 8	2,042 9 5	2,042 9 5	3
Norwich - -	9,001 15 3	2,439 1 3	6,562 14 0	1,681 18 0	813 9 4	6
Oxford - -	17,446 2 9	2,710 1 11	14,736 0 10	3,112 17 6	1,452 17 11	8
Peterborough -	5,920 6 0	1,518 19 10	4,401 6 2	1,166 1 8	539 4 1	6
Rochester - -	7,044 16 8	1,532 18 10	5,511 18 8	1,426 0 8	680 19 8	6
Salisbury - -	4,552 10 8	991 12 2	3,560 18 6	556 16 6	500 13 8	6
Winchester -	10,869 1 10	1,729 3 8	9,139 18 2	1,430 6 2	642 9 4	12
Windsor - -	16,684 7 2	1,953 8 6	14,730 18 8	1,196 10 8	1,127 17 4	12
Worcester - -	10,338 8 11	2,590 6 4	7,748 2 7	1,486 11 9	626 3 11	10
Westminster -	23,543 13 0	5,987 17 2	17,555 15 10	2,978 18 10	1,214 14 9	12

It is apparent that very considerable reductions might be made in several of these establishments without in any degree impairing their real efficiency. This, also, is the opinion of the Church Commissioners, who state, that "the most important objects of these establishments may be secured and continued consistently with a reduction of the present cathedral preferments."— And, conformably to this statement, they recommend that various reductions should be made; and that the surplus revenue thence arising should be appropriated, partly to increase the smaller class of livings, and partly to endow churches and chapels in places where they are wanted.

Archdeacons. — The office of archdeacon is said to have originated about the end of the third century, when the bishops adopted the practice of choosing for their peculiar service some one of the deacons, who at that time merely assisted as servants in the performance of the divine rites. The one thus chosen was termed archdeacon; and being always about the bishop, and delegated to visit the more distant parts of the diocese, and to examine and report upon certain cases, he succeeded at length in establishing an independent jurisdiction. So early indeed, as the beginning of the seventh century, the archdeacon appears to have possessed the chief care and inspection of the diocese. The division, however, of dioceses into archdeaconries, which took place in England shortly after the Conquest, and the grants of particular powers, which the bishops were enabled to make under the charter of William the Conqueror, necessarily terminated their general jurisdiction over the whole diocese: to supply which the offices of vicar-general, official, and chancellor to the bishop were created.

Archdeacons are a very important class of church officers: their business is to examine candidates for holy orders, to make parochial circuits, and to see that the clergy within their jurisdiction do their duty. They have courts where they may inflict censures, suspend or excommunicate persons, prove wills, grant administrations, and hear ecclesiastical causes, subject to an appeal to the bishop. (See *antè*, p. 187.)

Archdeaconries are commonly given by bishops, who prefer to them by collation: but if an archdeaconry be in the gift of a layman, he presents to the bishop, who institutes in like manner as to an ordinary benefice. Archdeacons are ordered by the 13 & 14 Car. II. c. 4. to read the Common Prayer, and declare their assent thereto, in the same manner as other persons admitted to ecclesiastical benefices; and they must also subscribe the same before the ordinary: but the 13 Eliz. c. 12. does not oblige them to subscribe and read the Thirty-nine Articles; for though an archdeaconry be a benefice with cure, it does not come within the statute, which is held to apply only to such benefices with cure as have particular churches belonging to them.

The emoluments of the archdeacons are, for the most part, very inadequate, amounting, at an average, exclusive of their other preferments, to only 87*l.* a year. The Commissioners recommend that their incomes should be increased, and that greater efficiency should be given to the office. Their remuneration, such as it is, arises pricipally from small payments, made to them in their visitations, under the name of procurations, the amount of which has continued the same for several centuries. The total of their emoluments is, in most cases,

not sufficient to defray the necessary expenses of their ordinary visitations, still less of their parochial circuits, the regular performance of which is the most essential of their duties. The Commissioners state that a stall in each cathedral should, where practicable, be applied to the purpose of making a better provision for this important office.

Deans and Deaneries.—There are several sorts of deans and deaneries. 1st, Those belonging to the ecclesiastical division of deaneries already mentioned, called rural deans, who originally ordered the ecclesiastical affairs within their deaneries and precincts, under the direction of the bishops or the archdeacons. These, however, had been disused in most dioceses; but it has of late been considered desirable to revive them. 2dly, The deans of cathedrals, already described, who have a chapter consisting of prebendaries, or canons, subordinate to the bishop, as a council assistant to him. The third species of deans are those of *peculiars;* that is, of particular parishes and churches, or rural districts that have jurisdiction within themselves, and are not under the ordinary of the diocese. There are several sorts of peculiars, as royal peculiars, archiepiscopal, and episcopal, peculiars, and those of deans and chapters, and the like. Deans of peculiars have sometimes jurisdiction and cure of souls, as the Dean of Battel, in Sussex, and sometimes jurisdiction only, as the Dean of the Arches, London.

Parsons, Vicars, &c.—Parsons, *Personæ ecclesiæ,* the most numerous and important order of men in the establishment, are the incumbents of parish churches, duly presented, instituted, and inducted, and intrusted with the cure of the souls of their parishioners. They are either rectors or vicars; the difference between them being, that the one is of common right, entitled to all the tithes or tenths of the produce within his parish, while the other is entitled only to a certain portion. Both, however, discharge the same parochial duties, performing divine service in the church on Sundays, and other festivals, and officiating in christenings, marriages, and burials. It is their duty, also, to visit the sick in their parishes, and, if necessary, to read prayers and administer the sacrament to them. In some parishes there are neither rectors nor vicars; in others again, from their having other ecclesiastical preferment or avocations, they are unable to reside. In these, their duties are performed by curates.

As to the origin of parishes, see Vol. I. p. 149.

Tithes.—The custom of paying tithes for the support of the clergy was, no doubt, derived from the Levitical law, and was probably introduced into England as early as Christianity itself. But it did not exist, as a civil right, until the latter end of the eighth century, when Offa, king of Mercia, made a law giving to the church all the tithes of his kingdom. This law was extended, about sixty years after, by Ethelwulph, over the whole of England. For centuries afterwards, however, it was customary for the landowners to pay their tithes to whatever clergyman they pleased; and so it continued until after the Conquest, when the appropriation of the tithes of each particular parish for the support of the incumbent of the parish church is generally said to have taken place; the lords of manors founding churches, and endowing them with the tithes of the lands within their manors.

Hence it is, according to some, that parishes and manors are at this day usually found co-extensive. Perhaps, however, it is a more probable conjecture, that the Normans found parishes already existing, and, in granting manors, adopted them as convenient well known divisions. This also seems in some measure confirmed by the fact, that though manors sometimes extend over several parishes, they never run into each other. In some parishes, the tithes of a particular district are payable to the rector of another parish, which is explained by the circumstance just mentioned, viz., that in manors extending over several parishes, it was at the option of the lord to apportion the payment of the tithes in what manner he pleased. This settlement, however, did not proceed without interruption. In many parishes, the religious societies who had established themselves in various parts of the kingdom, procured the tithes to be appropriated to their own houses; undertaking themselves to provide for the performance of all the ecclesiastical duties, which they usually did by means of some of their own members. The extent to which this was carried gave rise to several decrees, by Otho and other popes, forbidding appropriations to be made in future without setting apart some portion of the tithes for the maintenance of a curate to perform the necessary parochial duties. The ingenuity of the monks, however, successfully evaded these decrees. They pretended that they held these appropriations, not for their own worldly advantage, but as trustees only for godly and pious purposes — to defray the expenses of a pilgrimage, for the purposes of hospitality, or for the relief of the poor; and, under these pretexts, they continued to be appropriated to them as before. At length parliament found it necessary to interfere; and, by stat. 15 Rich. II. c. 6., it was enacted, that on every appropriation of any parish church, a vicar should be well and sufficiently endowed; and, by stat. 4 Hen. IV. c. 12., that "from thenceforth, in every church appropriated, there should be a secular person ordained vicar-perpetual, canonically instituted and inducted, and properly endowed, by the discretion of the ordinary, to do divine service, and to inform the people, and to keep hospitality there; and no religious were in any wise to be made vicar in any church appropriated." The usual method of apportioning the tithes under these acts was by giving the tithes of corn, wood, and hay, or the great tithes, as they were termed, to the rector, and the others, or the small tithes, to the vicar: but the rule varied; and, in some parishes, a portion of the great tithes was also given to the vicar. As these acts, however, applied only to subsequent appropriations, all parishes in which the tithes had been previously appropriated remained as before; and in some instances the practice seems, under various pretences, to have continued even after the passing of these acts; whence it is that we find many parishes at this day without either rector or vicar, these being commonly known by the name of perpetual curacies.

Another interruption to the settlement of tithes was the practice adopted by the religious bodies of procuring from the Pope exemptions of the lands they held from their payment. Four of the orders, namely, the Cistercians, Templars, Hospitallers, and Premonstratenses, had a general exemption; the others obtained one as often as they found it necessary. But these appropriations and exemptions, being given only

to the religious houses, must necessarily, but for the interference of Parliament, have ceased when the latter were suppressed at the Reformation. To prevent this, a clause was inserted in the acts transferring their possessions to Henry VIII., to the effect that he should enjoy them as amply and beneficially as they had been previously enjoyed by the abbots and priors. The possessions thus acquired by the Crown being afterwards granted out to subjects, tithes, as well as lands exempted from the payment of tithes, got into the hands of laymen, and so continue down to the present time. When this is the case there is both a rector and vicar in the same parish; the former possessing the great or rectorial, the latter the small or vicarial tithes; the rector, however, has nothing to do with the spiritual part of the office, which is entirely performed by the vicar. Until the late act passed in 2 & 3 W. 4., which limits the time for prescription, it was necessary for all claiming exemption from payment of tithes, or, in the language of the law, a "prescription *de non decimando*," to show that the lands for which they claimed such exemption had belonged to one of the privileged orders. Another and more legitimate method of exempting lands from the payment of tithes, was either by commuting the tithe for some fixed money payment, called a *modus decimandi*, or vulgarly a modus, or by some composition, as giving up to the rector or incumbent of the parish a portion of land, on condition that the remainder should be exempted. The consent, however, of the patron and ordinary were necessary for the validity of these arrangements.

TABLE classing the Appropriations and Impropriations; showing the Number possessed by each Class, and the Number of Cases in each Diocese in which the Vicarage is partly or wholly endowed with the Great Tithes.

Dioceses.	Crown.	Archbishop and Bishops.	Deans and Chapters or Ecclesiastical Corporations Aggregate.	Dignitaries and other Ecclesiastical Corporations Sole.	Universities Colleges, and Hospitals.	Private Owners.	Municipal Corporations.	Vicarages partly endowed.	Vicarages wholly endowed.
St. Asaph	-	12	10	8	-	27	-	1	
Bangor	-	11	7	7	-	29	-	3	
Bath and Wells	1	9	27	36	-	105	4	5	8
Bristol	-	1	16	11	2	48	2	2	3
Canterbury	-	48	46	12	8	49	1	2	7
Carlisle	-	8	30	3	2	28	-	3	1
Chester	2	21	28	5	15	115	-	6	3
Chichester	-	7	11	16	5	67	-	3	12
St. David's	1	18	20	49	4	124	2	13	4
Durham	1	7	28	7	13	61	1	6	3
Ely	-	10	26	-	19	27	-	2	1
Exeter	2	5	61	23	4	156	7	9	11
Gloucester	2	14	32	2	3	54	1	1	5
Hereford	-	20	25	11	12	80	-	11	14
Lichfield and Coventry	1	8	20	49	5	249	4	9	10
Lincoln	3	39	48	36	31	347	3	12	8
Llandaff	1	10	30	9	4	45	2	3	6
London	1	13	26	16	16	144	1	3	4
Norwich	1	47	48	2	22	197	9	7	14
Oxford	-	7	18	5	27	36	-	4	-
Peterborough	-	8	10	1	6	65	-	-	1
Rochester	1	3	13	1	4	21	-	1	-
Salisbury	1	6	37	23	21	93	2	3	3
Winchester	-	3	8	16	29	78	-	6	5
Worcester	5	4	25	8	5	43	3	3	3
York	7	40	52	79	26	264	1	2	5
Sodor and Man	8	6	-	-	-	1	-	1	1
Total	38	385	702	438	281	2,552	43	121	132

The number of vicarages of which the impropriations have not been returned to the Commissioners, is 223. Where the impropriation and appropriation of the great tithes is shared between owners of different classes, it is included under each class.

There are some few cases of rectories, in which the rector has only a portion of the great tithes, the remainder being the property of a spiritual person or body, or of a lay-impropriator; and in Jersey and Guernsey, the benefices are merely nominal rectories, the incumbent not being entitled in any case to more than a portion (generally one-third) of the great tithes, the crown or governor taking the residue; and in some cases the whole goes to the crown or governor.

The following table, founded on the returns under the Property-tax Act, in 1810, exhibits the then annual value of the land, in the different counties of England and Wales, specifying the value of the portions that were tithe-free, titheable, tithe-free in part, and free on payment of a modus.

TABLE exhibiting the Value of Land in England and Wales, Tithe Free, Titheable, &c.

Counties.	Tithe-free.			Titheable.			Tithe-free in part.			On Payment of Modus.		
	L.	s.	d.	L.	s.	d.	L.	s.	d.	L.	s.	d.
Bedford	186,589	6	3	85,031	13	9	524	5	0	475	15	0
Berks	88,441	3	0	316,709	10	9						
Bucks	303,920	8	8	182,302	14	11	12,554	15	0			
Cambridge	107,045	19	10	342,719	12	9	2,515	0	0	935	0	0
Chester	28,412	9	4	646,865	6	8	1,256	15	0	849	7	4
Cornwall	2,153	10	0	561,846	3	0	510	0	0	1,963	3	0
Cumberland	69,094	0	6	312,645	10	8	71,759	7	6	15,751	10	0
Derby	230,528	15	3	310,149	7	3	78,739	13	0	2,275	17	0
Devon	28,917	17	11	1,181,142	2	5	4,967	0	0	2,520	0	0
Dorset	48,853	17	4	436,642	11	10	545	0	0	2,984	0	0
Durham	143,073	9	0	358,441	7	3	3,269	10	9	1,278	15	0
Essex	72,796	19	0	826,784	12	5	1,708	0	0	3,236	0	0
Gloucester	254,446	7	4	545,562	8	7	-	-		5,124	11	0
Hereford	21,340	3	4	432,267	9	0						
Hertford	76,150	10	0	264,616	16	7	1,483	13	4	100	0	0
Huntingdon	119,176	14	10	56,367	8	10	16,895	4	0	11,637	0	6
Kent	11,290	5	6	849,040	19	8	7,857	6	0			
Lancaster	129,313	17	2	1,131,425	15	10	2,643	5	0	6,962	0	0
Leicester	488,076	5	4	173,528	15	1	18,514	5	10	22,282	18	2
Lincoln	938,093	11	6	499,009	1	7	107,729	7	3	37,108	10	6
Middlesex	80,594	14	8	264,372	17	8	1,120	0	0			
Norfolk	103,944	7	6	823,218	3	8	4,270	0	6	410	0	0
Northampton	560,546	17	9	114,097	15	11	13,070	17	9	8,911	9	7
Northumberland	293,037	2	5	433,037	13	7	129,897	15	4	50,797	0	9
Nottingham	340,163	3	2	183,548	0	0	4,036	0	0	7,254	0	0
Oxford	275,140	6	1	219,105	14	7	2,057	0	0	1,322	0	0
Rutland	63,316	1	1	15,148	16	8	20,149	17	4	560	0	0
Salop	92,327	12	9	639,150	9	6	4,200	0	0	2,817	6	0
Somerset	54,316	6	6	1,296,577	6	0	4,214	5	0			
Southampton	25,582	9	3	558,437	11	0						
Stafford	139,442	16	4	617,192	9	0						
Suffolk	60,425	14	0	624,253	16	0	6,486	2	0	2,912	10	0
Surrey	55,530	18	11	300,564	6	2¾	3,746	5	0	10,000	0	0
Sussex	54,109	3	5	410,256	7	1	13,506	14	11	72,077	16	8
Warwick	280,103	6	9½	208,214	9	10½	112,097	7	11	44,724	5	10
Westminster	2,032	0	0	1,023	0	0						
Westmoreland	107,185	3	10	81,724	4	3	10,658	8	0	21,988	10	3
Wilts	218,674	13	2	562,160	15	6	21,004	1	5	8,788	6	11
Worcester	149,277	8	8	363,728	1	1	1,276	12	0	1,921	3	0
York	1,424,883	11	7	1,410,020	5	3	170,849	17	4	105,864	15	11
Anglesey	45,354	11	2	19,767	0	0						
Brecon	738	0	0	107,708	7	2						
Cardigan	288	0	0	101,262	2	8						
Caermarthen	151	6	0	224,001	7	2						
Caernarvon	88,075	17	1	2,772	9	10						
Denbigh	-		-	182,574	0	5						
Flint	-		-	118,615	0	4						
Glamorgan	1,637	13	4	165,689	14	9	-		-	43,433	1	4
Merioneth	272	0	0	83,179	10	9						
Monmouth	30,151	0	0	173,445	1	0						
Montgomery	2,745	0	0	149,258	8	0	-		-	5	0	0
Pembroke	4,370	15	4	156,246	11	5						
Radnor	2,235	6	6	86,015	12	4						
	7,904,378	17	4½	20,217,466	17	7½	856,183	12	2	498,823	3	4

Commutation of Tithes. — The providing for the clergy by means of tithes, has, in modern times, been greatly objected to. Nothing, indeed, has done so much to weaken the influence of that body in England, and to diminish their usefulness, as the unseemly contests in which they have been necessarily involved with their parishioners on the subject of tithes; and it has too often happened that a clergyman's popularity has depended more in his indulgence in this particular, or on his readiness or ability to sacrifice a portion of his own just claims, than on the purity of his life and the soundness of his doctrines. Tithes have, also, formed a very serious obstacle to the progress of agricultural improvement. In this respect they have had a much greater practical influence than might seem, to a superficial observer, to belong to them. By preventing the cultivators from reaping the

entire advantage of superior skill and industry, they have discouraged their efforts, and contributed to render them indolent and indifferent. An occupier of land, if he be a dissenter, is especially indisposed to benefit the church by setting about any improvement in which it must participate so largely. But, independently altogether of this, it is clear, that the subjecting of land to so heavy a tax as a *tenth of the gross produce*, without any deduction for any part of the expense incurred in cultivation, must be a very great discouragement to the outlay of capital upon it. All agricultural authorities admit that the influence of tithe has been in this way most pernicious. Dr. Paley, who cannot be suspected of favouring any opinion adverse to the real interests of the church, has not hesitated to say, that, "*Of all institutions, adverse to cultivation and improvement, none is so noxious as that of tithes.* A claimant," he continues, "here enters into the produce, who contributed no assistance whatever to the production. When years, perhaps, of care and toil have matured an improvement; when the husbandman sees new crops ripening to his skill and industry; the moment he is ready to put his sickle to the grain, he finds himself compelled to divide his harvest with a stranger. Tithes are a tax, not only upon industry, but upon that industry which feeds mankind; upon that species of exertion which it is the object of all wise laws to cherish and promote." —(*Moral Philosophy*, cap. xi.)

In consequence of the growing prevalence of these opinions, the attention of the public, and of government, has been more and more directed to a commutation of tithe. Various plans for bringing this about have been proposed at different times; and owing to the difficulty of the subject, and the conflicting interests it involves, it was impossible, perhaps, to suggest any scheme that should be in all respects unobjectionable. It is essential that, however effected, the commutation, when once made, should be final, and unsusceptible of farther modification. Unless this were the case, the principal benefit to be derived from it — the giving full scope to improvement, and to the outlay of capital on the land — would not be attained. It is necessary, too, in effecting a commutation, that provision should be made, in so far at least as that is practicable, for protecting the clergy against the loss or diminution of their incomes, by any fall in the value of money. These different objects seem to be pretty well accomplished by the late act for a commutation of tithe. According to its provisions, the average value of the tithes in each parish, during the seven years ending with 1835, is to be ascertained and distributed into equivalent quantities of wheat, barley, and oats; and the clergy are to be entitled to get the value of these quantities in all time to come, according to the current prices of the day. By this means they will be liable only to fluctuations in the value of corn; and to these they would have been liable, though no commutation had been effected. Commissioners have been appointed to carry the act into execution, and considerable progress has already been made in the commutation.*

* For a discussion of the questions as to the influence of tithes on prices, rent, &c. see the note on taxes on raw produce, in M'Culloch's edition of *The Wealth of Nations*.

Admission of Parsons. — Endowed parochial churches or benefices, as they are termed, whether having rectors or vicars, are of three sorts — presentative, collative, and donative. To the due admission of a clerk to a presentative benefice, three things are necessary, — presentation, institution, and induction. Presentation is the offering a clerk to the ordinary, whose duty it is to examine into the ability and sufficiency of the person so presented, and to ascertain that he is of the proper age, and in priest's orders. The usual oaths of allegiance, supremacy, and canonical obedience, are then administered; and he is required to subscribe the Thirty-nine Articles, as well as three others required by the 36th Canon, acknowledging the King's supremacy, the correctness of the Book of Common Prayer, and of the Thirty-nine Articles; together with a declaration of conformity with the liturgy of the Church of England. This being done, the ordinary admits him in the usual form. When the bishop has instituted the clerk, he issues a mandate to the archdeacon, from whom another issues to some clergyman to induct; for, till this be done, he is not a complete parson. By the institution he is admitted, *ad officium*, to perform the spiritual functions; but he is not entitled *ad beneficium* to the temporalities of the living, until formally inducted.

The 13 Eliz. c. 12., and the 13 & 14 Car. 2. c. 4., order that every person admitted to any benefice shall, within two months after his promotion, publicly read the Thirty-nine Articles and the Common Prayer, and declare his assent thereto; and in the event of his failing to do this, his benefice is declared to be *ipso facto* void. In the latter case, indeed, he is also deprived of all other church preferment he may have. Finally, the incumbent must, within six months after his admission, take the oaths of allegiance and supremacy in one of the courts at Westminster, or at the general quarter sessions of the peace, on pain of being incapacitated to hold his benefice, and other disabilities, and of being subject to a penalty of 500*l.*

It sometimes happens that the right of presentation to a living is in one person, and the right of nomination in another. In this case, the person who has the presentation is bound to present to the bishop such individual only as the person having the nomination may appoint. Collative benefices are, where the right of presentation is in the bishop; and in these all that is necessary to put the clerk in possession of his benefice is institution and induction. Where the benefice is donative, possession is given by the mere donation of the patron in writing, without presentation, institution, or induction.

The *advowson*, or right of presentation, donation, or whatever it may be, orginally belonged to the founder of the church; and at this day by far the largest portion of church patronage is vested in lay proprietors. The rest is held partly by the Crown, which came, at the Reformation, into possession of the patronage which had previously belonged to the monasteries; and partly by archbishops and bishops, deans and chapters, dignitaries, and other ecclesiastical corporations sole, universities, colleges, &c., and municipal corporations. The distribution of the patronage in each diocese is exhibited in the following table: —

TABLE exhibiting the Distribution of the Patronage of Benefices in England and Wales.

Dioceses.	Crown.	Archbishops and Bishops.	Deans and Chapters, or Ecclesiastical Corporations Aggregate.	Dignitaries and other Ecclesiastical Corporations Sole.	Universities Colleges and Hospitals, not Ecclesiastical.	Private Owners.	Municipal Corporations.
St. Asaph	2	120	-	2	1	19	
Bangor	6	78	1	7	3	29	
Bath and Wells	21	29	39	103	23	224	4
Bristol	12	15	11	42	14	159	10
Canterbury	18	148	36	36	14	87	2
Carlisle	4	20	27	19	3	54	
Chester	26	34	34	227	13	299	6
Chichester	19	31	21	49	15	130	
St. David's	63	102	16	61	12	159	
Durham	12	45	36	28	4	66	
Ely	2	31	21	13	46	39	
Exeter	63	44	69	117	11	309	5
Gloucester	29	30	35	40	26	133	3
Hereford	26	36	26	54	11	179	
Lichfield and Coventry	53	18	10	122	6	391	5
Lincoln	156	73	63	177	102	688	
Llandaff	14	6	28	19	7	118	
London	75	86	58	105	68	277	
Norwich	95	85	47	124	86	596	13
Oxford	12	13	22	16	59	78	
Peterborough	31	18	12	40	32	171	
Rochester	10	15	17	8	4	44	
Salisbury	35	39	44	67	60	154	
Winchester	30	53	15	79	53	197	
Worcester	20	14	38	39	15	98	
York	103	57	61	257	33	397	5
Sodor and Man	15	8	-	-	-	1	
Total	952	1,248	787	4,851	721	5,096	53

N. B. — This table is not quite accurate. It includes only the patronage returned to the Ecclesiastical Commissioners; and there were 178 non-returns, and 86 returns that omitted the patronage. When the patronage is divided among different classes of patrons, it is included under each; so that the total number of patrons will not exactly agree with the total number of benefices.

In the disposal of Crown livings, the chancellor usually presents to all of the value of 20*l.* per annum, or under, in what is called the King's book, containing a survey of all ecclesiastical livings in England made in the 20 Hen. 8. The disposition of livings above this value, as well as all other church patronage, is understood to rest with the premier and the King himself. The 36 Eliz. c. 6., for the prevention of simony, declares all presentations to any benefice, with cure of souls, made for any sum of money, reward, gift, profit, or benefit whatsoever, void and of no effect in law.

Residence of the Clergy. — By the canon as well as the common law, the incumbent of every benefice is under the obligation of residing; and, by stat. 57 Geo. 3. c. 99., persons wilfully absenting themselves from their benefices, for more than three months together in the year, incur a penalty of one third of the proceeds; if for six months, one half, and so on in proportion; to be recovered by the bishop by sequestration, and to be appropriated to the augmentation of Queen Anne's bounty. But chaplains to the King, and other persons of rank mentioned in the act are exempted during their attendance in the households of such as retain them; as also are all heads of houses, magistrates, and professors in the universities, and

all students under forty years of age, residing there *bonâ fide* for study. Legal residence is not only in the parish, but in the parsonage house, if there be one. Provision is made, by the stat. 17 Geo. 3. c. 53., for raising money upon ecclesiastical benefices, to be paid off by annually decreasing instalments; and to be expended in building, rebuilding, or repairing the houses belonging to such benefices.

But, notwithstanding the obstacles that have been thus thrown in the way of non-residence, and its unpopularity, as well as that of the twin practice of pluralities, they still prevail to a considerable extent. Their entire suppression may not, perhaps, be desirable; and though it were, it is pretty certain that it could not be effected without the augmentation or suppression of a large number of the smaller class of livings. If a living be insufficient for the support of a resident clergyman, it is plain the parish must either be entirely without the services of a parson, or he must be allowed to eke out his revenue by holding some other preferment or living, which must consequently engross a greater or less portion of his time. Now, this is really the case with a very considerable number of livings in the Church of England. It appears that of 10,478 benefices, from which returns have been received, 297 are under 50*l.* a year, 1,629 are between 50*l.* and 100*l.* a year, and 1,602 are between 100*l.* and 150*l.* a year; so that there are 1,926 benefices under 100*l.* a year, and 3,528, or more than a third of all the benefices in the country, under 150*l.* a year! On many of these benefices there are no glebe houses, nor do they possess the means of erecting any. Were the spiritual duties of the poorest of these livings not performed by the clergymen of the neighbouring parishes, it is difficult to see how they could be performed at all. Some of these benefices are very populous; 13 containing each a population of more than 10,000; 51 a population of from 5,000 to 10,000; and 251 a population of between 2,500 and 5,000! It is most desirable that there should be a resident clergyman on each of these benefices; or, at least, on all those that have a population of 700 or 800, or upwards. This, however, cannot in many instances be accomplished otherwise than by the augmentation of the livings; and the Ecclesiastical Commissioners state that 235,000*l.* a year would be required to raise them universally to sums varying from a *minimum* of 200*l.* to a *maximum* stipend of 400*l.* a year; but, as the Commissioners suppose that a sum of about 130,000*l.* a year will be provided for the augmentation of small livings and the cure of souls, by the reforms which they recommend, it is to be hoped that, if this be not sufficient, other means may be found of providing the remainder of the sum necessary to establish a resident clergyman in every considerable parish. (See Second Report of Church Commissioners, p. 15.)

But, while so many parishes are unprovided with the means of religious instruction, it appears that there are in the establishment no fewer than 70 sinecure rectories. Of these, nearly half are in the patronage of the Crown, or of ecclesiastical corporations; and these, the Commissioners propose should be suppressed, and their revenues applied to the making more effectual provision for the cure of souls.

A person may cease to be a parson or vicar, 1.—By death, 2.—By cession on taking another benefice; for by the act 21 Hen. 8.

cap. 13., if any one having a benefice of 8*l.* per annum or upwards (according to the valuation in the King's books) accept any other, the first shall be adjudged void, unless he obtain a dispensation, which no one is entitled to have but the chaplains of the King and others therein mentioned, the brethren and sons of lords and knights, and doctors and bachelors of divinity and law, admitted by the universities; a vacancy thus made for want of a dispensation, is called cession. 3.—By consecration; for, as previously mentioned, when a clerk is promoted to a bishopric, all his other preferments become void. There was, however, a method, by the favour of the Crown, of holding such livings *in commendam*. *Commenda*, or *ecclesia commendata*, being a living commended by the Crown to the care of a clerk to hold till a proper pastor be provided for it. This may be temporary for one, two, or three years, or perpetual; being a kind of dispensation to avoid the vacancy of the living, and is called a *commenda retinere*. There is also a *commenda recipere*, which is to take a benefice *de novo*, in the bishop's own gift, or the gift of some other patron; and this is the same to him as institution and induction are to another clerk; but, by the recent regulations, the practice of holding of livings *in commendam* is to be abolished. 4.—By resignation. But this is of no avail till accepted by the ordinary, into whose hands the resignation must be made. 5.—By deprivation; either, first, by sentence declaratory in the ecclesiastical courts, for fit and sufficient causes allowed by the common law, such as attainder of treason or felony, or conviction of other infamous crime in the King's courts; for heresy, infidelity, gross immorality, and the like: or, secondly, in pursuance of divers penal statutes, which declare the benefice void for some nonfeasance or neglect; or else, some malfeasance or crime, as for simony, for maintaining any doctrine in derogation of the King's supremacy or the Thirty-nine Articles, or of the Book of Common Prayer; for neglecting after institution to read the liturgy and articles in the church, or make the declarations against popery, or take the abjuration oath; for using any other form of prayer than the liturgy of the Church of England; or, for absenting himself sixty days in one year from a benefice belonging to a popish patron, to which the clerk was presented by either of the universities; in all which and similar cases the benefice is *ipso facto* void, without any formal sentence of deprivation.—(*Blackstone*, Book I. cap. 11.) And by the act 57 Geo. 3. c. 99., if a benefice be under sequestration for two years for nonresidence, it may be declared void by the bishop.

Curates.—Curates are the lowest order of the clergy. They are either perpetual or stipendiary; and are appointed to their cures by mere nomination in writing. They must, however, be in orders and licensed by the bishop of the diocese. It is necessary for them to take, for the most part the same oaths, and to make the same declarations, on being appointed to their curacies, as rectors and vicars on admission to their benefices. Stipendiary curates are such as are appointed by the non-resident, and indeed in some cases by the resident, incumbents, to officiate at their parish churches in their stead; and their duties consequently are much the same. As their name implies, stipendiary curates are paid by a salary allowed by the person ap-

pointing them, which, by the 57 Geo. 3. c. 99., is in no case to be less than 80*l.* per annum; and where the population of the parish amounts to 500, 150*l.*; provided the income of the benefice itself amounts to that sum, and the incumbent was admitted after 20th July, 1813. The bishop, however, may dispense with salaries of that amount, should circumstances render it advisable. It is the duty of the bishop to see that all churches are duly served within his diocese; and if a curate be not appointed, he may appoint one, or compel the incumbent to do so by the provisions of this act. Perpetual curates are such as are appointed to the churches of those parishes, in which, as already mentioned, the tithes were appropriated to some monastery before the stat. 4 Hen. 4., making it necessary to endow a vicar, or which had from some cause or other escaped its operation; or, they are such as officiate in some chapel. Chapels are of three kinds:—1., chapels of ease. 2., parochial or district chapels; and 3., free chapels. Chapels of ease and parochial chapels are those in which divine service is performed for the convenience of the inhabitants of some particular hamlet within a parish at a distance from the parish church. The only difference between them seems to be that the latter perform some of the rites more particularly belonging to a parish church, being allowed a font, sacraments, and burials, whence their name parochial, while such as are strictly chapels of ease can perform the divine service only. In both, however, it is usual for a reservation to be made for the inhabitants of the township which has the chapel, to contribute to the repairs of the parish church, in order to preserve the subordination. When parishes have been united in consequence of their poverty, or from other reasons, the church of one only of the united parishes thenceforth becomes the mother church of the whole union: the others may be considered as perpetual curacies. In these the curates are usually paid by some fixed payment, or by a portion of the tithes appropriated for their maintenance at the foundation of the chapel. Curates, however, with exception of these, who appear even after the union to retain the corporate character, of the previous rector or vicar, and curates of such chapels as have been augmented by Queen Anne's bounty, have no corporate character, and, in consequence, have not, like an ecclesiastical rector and vicar, any freehold interest in their endowments. To erect a chapel, the consent of the ordinary, the patron, and incumbent of the living in which it is erected, is necessary. The nomination of the curate belongs, of common right, to the incumbent of the mother church; but this, of course, may be otherwise stipulated for on the foundation. Free chapels are said to be such as have been raised for the King's private use, at his country residences; and are so called from being in general exempted from the jurisdiction of the ordinary, though in some spiritual matters, as in the appointment of curates to serve in them, they are by act of parliament subject to his regulations.

Incomes of the Clergy.—A great many conflicting statements have been put forth, and much misrepresentation indulged in, with respect to the income of the clergy. But the truth has at length been ascertained, by means of the investigations set on foot by the Commissioners for inquiring into Ecclesiastical Revenues. Returns have

been obtained through their intervention from nearly all the benefices in England and Wales, showing the gross and nett income of each, at an average of the three years ending with 1831; and showing, farther, the names of the incumbent and patron, the number of churches and chapels, and the extent of church accommodation, in each benefice, the number of curates employed, and the stipends paid to each, with a variety of other particulars. These returns, with those relating to bishoprics, deans and chapters, make a large folio volume of about 1,000 pages. The following table contains a summary view of the number and incomes of the incumbents and curates in each diocese:—

TABLE of Benefices, exhibiting the gross and nett Incomes of the Incumbents in each Diocese, with the number of Curates and their average Stipends, &c.

Dioceses.	Number of Benefices in each Diocese returned to the Commissioners, including sinecure Rectories, but exclusive of Benefices annexed to other Preferments.	Aggregate Amount of the Gross Incomes of Incumbents in each Diocese exclusive, as before mentioned.	Average Gross Income.	Aggregate Amount of the Nett Incomes of Incumbents in each Diocese, exclusive, as before mentioned.	Average Nett Income.	Number of Curates in each Diocese.	Amount of Stipends of Curates in each Diocese.	Average of Stipends.	Number of Benefices in each Diocese not returned to the Commissioners.
		L.	L.	L.	L.		L.	L.	
St. Asaph -	143	42,592	297	38,840	271	43	3,564	82	2
Bangor - -	123	35,064	285	31,061	252	61	4,723	77	
Bath and Wells -	430	120,310	281	109,397	256	229	18,578	81	13
Bristol - -	233	77,056	304	71,397	282	133	10,668	80	3
Canterbury -	346	123,946	358	110,050	318	174	14,656	84	2
Carlisle - -	124	22,487	181	21,777	175	44	3,684	83	3
Chester - -	630	169,495	269	159,372	252	266	23,230	87	4
Chichester -	267	82,673	309	75,522	282	121	9,440	78	3
St. David's -	409	60,653	148	56,317	137	206	11,464	55	7
Durham - -	192	74,457	387	67,639	352	100	1,556	85	2
Ely - -	150	56,495	376	53,000	353	75	6,583	87	2
Exeter - -	613	194,181	316	174,275	284	323	28,759	89	16
Gloucester -	283	81,552	288	77,429	273	142	11,405	80	3
Hereford - -	321	93,552	291	87,987	274	159	13,035	81	7
Lichfield and Coventry - -	610	170,104	278	159,073	260	507	24,948	81	5
Lincoln - -	1,215	373,676	298	358,073	286	629	48,347	77	
Llandaff - -	192	36,347	189	34,077	177	113	6,749	59	18
London - -	640	267,742	418	255,509	399	352	35,118	99	2
Norwich - -	1,026	331,750	323	321,823	313	522	38,510	73	37
Oxford - -	196	51,395	262	49,088	250	103	8,054	78	8
Peterborough -	293	98,381	335	93,052	319	138	11,260	81	6
Rochester - -	94	44,565	474	39,007	414	60	6,551	109	2
Salisbury -	398	131,255	337	127,459	320	225	18,174	81	11
Winchester -	419	153,995	367	143,614	342	202	19,858	98	7
Worcester - -	223	73,255	328	69,655	312	110	9,002	81	3
York - -	891	223,420	250	216,005	242	391	29,553	75	12
Sodor and Man -	23	3,727	162	3,623	157	3	211	70	
Totals -	10,540	3,197,225		3,004,721		5,230	424,695		178
Averages -	- -	- -	303	- -	285	- -	- -	81	- -

The Classification of the Incomes of the Incumbents is as follows:

Incomes.	Benefices.	Incomes.	Benefices.
£		£ £	
Under - 50	297	400 and under 500	830
50*l.* and under 100	1,629	500 — 750	954
100 — 150	1,602	750 — 1,000	323
150 — 200	1,354	1,000 — 1,500	134
200 — 300	1,979	1,500 — 2,000	32
300 — 480	1,326	2,000 and upwards.	16*

* There are only two livings of 4,000*l.* a year and upwards—the rectory of Stanhope, in Northumberland, of the nett annual value of 4,843*l.*; and the rectory of Doddington in the county of Cambridge, of the nett annual value of 7,306*l.* There are only three livings worth from 3,000*l.* to 4,000*l.* a year.

The Commissioners have themselves stated some of the principal results of their inquiries as follows: —

"From the returns of our inquiries, arranged and digested in the tabular statements before mentioned, it appears that the total amount of the gross annual revenues of the several archiepiscopal and episcopal sees in England and Wales is 181,631*l.* affording an average of 6,727*l.*; and the total amount of the nett annual revenues of the same is 160,292*l.*, affording an average of 5,936*l.*

"The total amount of the gross annual revenues of the several cathedral and collegiate churches in England Wales is 284,241*l.*, and the total amount of the nett annual revenues of the same is 208,289*l.*

"The total amount of the gross annual separate revenues of the several dignitaries and other spiritual persons, members of the cathedral and collegiate churches in England and Wales, is 75,854*l.*; and the total amount of the nett annual separate revenues of the same is 66,465*l.*

"The total number of benefices, with and without cure of souls, the incumbents whereof have made returns of our inquiries, omitting those which are permanently or accustomably annexed to superior preferments, and which are included in the statements respecting those preferments, is 10,540. The total amount of the gross annual revenues of these benefices is 3,197,225*l.*, giving an average income of 303*l.*; and the total amount of the nett annual revenues of the same is 3,004,721*l.*, giving an averge income of 285*l.*

"The total number of benefices, with and without cure of souls, in England and Wales, including those not returned to us, but exclusive of those annexed to other preferments (about 24 in number), is 10,718; the total gross income of which, calculated upon the average of those returned, will be 3,251,159*l.*, and the total nett income thereof will be 3,055,451*l.*

"The total number of curates returned to us as employed by resident incumbents is 1,006, whose annual stipends or payments in money amount to 87,075*l.*, affording an average of 86*l.* Those employed by non-resident incumbents are 4,224; the amount of their stipends 337,620*l.*, and the average 79*l.* And the average of the whole of the curates' stipends is 81*l.*"

Churchwardens.—These are the guardians or keepers of the church, and representatives of the body of the parish. They are sometimes appointed by the minister, sometimes by the parish, sometimes by both together, as custom directs. They are taken in favour of the church, to be for some purposes a kind of corporation at common law; that is, they are enabled by that name to have a property in goods and chattels, and to bring actions for them, for the use and profit of the parish. Yet they may not waste the church goods, but may be removed by the parish, and then called to account by action. There is, however, no method of effecting this, without first removing them, as it cannot legally be done except by those who are put in their place. They have no sort of interest in lands or other real property, as the church, church-yard, &c.; but if these be damaged, the parson or vicar has an action. The churchwardens repair the

church, and make rates and levies for that purpose, with consent of the parishioners, unless, indeed, the latter neglect or refuse to attend the meeting when the assessment is imposed. These rates are recoverable only in the ecclesiastical courts; or before justices of the peace when the sum payable is under 10*l.* (53 Geo. 3.)

Parish Clerks and Sextons.—Parish clerks and sextons are regarded by the common law as persons who have freeholds in their offices, and therefore, though they may be punished, they cannot be deprived, by ecclesiastical censures. The parish clerk was formerly very frequently in holy orders, and some are so at present. He is generally appointed by the incumbent, but by custom may be chosen by the inhabitants; and if such custom appear, the Court of King's Bench will grant a *mandàmus* to the archdeacon to swear him in; for the establishment of the custom turns it into a temporal or civil right.

Deficiency of Church Accommodation.—Nothing, according to the Ecclesiastical Commissioners, has done so much "to cripple the energies of the established church, and circumscribe its usefulness, as the want of churches and ministers in the large towns and populous districts of the kingdom. The growth of the population has been so rapid as to outrun the means possessed by the establishment of meeting its spiritual wants; and the result has been that a vast proportion of the people are left destitute of the opportunities of public worship and Christian instruction, even when every allowance is made for the exertions of those religious bodies which are not in connection with the established church." (Second Report, p. 6.)

The Commissioners subjoin some details illustrative of this statement, and showing the efforts that have been made by the public, and by private associations and individuals, for obviating the evil. But, according to them, "all that has hitherto been done in this way falls very far short of the necessity of the case." They further state that the revenues of the established church, however husbanded or distributed, are quite inadequate to meet the exigencies of the case; and if so, there is, we apprehend, but little prospect of its being materially relieved: for it is not to be supposed that the Dissenters should willingly submit to be taxed for the erection and endowment of new churches; and unless they did so, the church would, it is probable, be more injured by such a tax, than by the continued existence of the present deficiencies.

Sect. II. *English Dissenters.*

In the estimation of the law all persons are regarded as dissenters whose religious principles, or modes of worship, differ in any degree from the standards of the church of England. The principal classes of dissenters are denominated methodists, independents, baptists, presbyterians, catholics, &c.; but these are subdivided into many subordinate classes, the differences between one class and another, and between certain classes and the church of England, frequently depending on minute points which it is sometimes very difficult, if not

impossible, to define. The civil disabilities under which dissenters used to labour have been almost entirely obviated by the repeal of the test and corporation acts, in 1828.—(See *antè*, p. 388.)

1. *The Methodists* originated between 1730 and 1740. They are divided into two great bodies—the followers of Wesley, and the followers of Whitfield, clergymen of the church of England, and the founders of the sect. The creed of the Wesleyan methodists is Arminian, and they pretend to differ in few respects from the church of England. Wesley, indeed, always objected to his followers being classed with dissenters, and required them to attend the established church when they had no opportunity of hearing their own preachers, and there to communicate. Hence, they ought more properly, perhaps, to be called separatists than dissenters. In fact, there is a large body of people who seem to fluctuate between them and the establishment. The Wesleyan methodists are very numerous, especially among the lower classes. They are spread over the whole kingdom, but are particularly abundant in Yorkshire, Lancashire, Lincoln, and Cornwall. The religious affairs of the body are managed by a "conference," or assembly, consisting of such of their clergymen as choose to attend.

The creed of the other leading division of the methodists, or of the followers of Whitfield, is Calvinistic. They are not very numerous, except in Wales, where they are extensively spread over the country, outnumbering, in many places, the adherents of the established church.

The total number of all descriptions of methodists may, probably amount to about 1,200,000.

2. *Independents or Congregationalists.*—This class of dissenters maintain, as their name implies, the independency of each congregation or society of Christians, and their right to elect their clergymen, and to lay down rules as to discipline, &c., without being subject to any external control. They were established in England in the 16th century; but they subsequently underwent much persecution. At the era of the Revolution they were a comparatively small body; but they have rapidly gained ground since the middle of last century, particularly at the expense of their old enemies, the presbyterians, from whom they have drawn many recruits. This body now comprises above 1,800 congregations. Many of their churches are elegant; and not a few of their clergymen have been distinguished in the present century, as well as in former times, for their learning and ability.

3. *Baptists or Anabaptists,* are those who contend that baptism is to be administered to adults only, and that not by sprinkling, but by immersion. They are farther subdivided into several subvarieties, as *particular* or *Calvinistic, general* or *Arminian,* &c. They are pretty generally distributed over the whole kingdom, having in all about 1,200 congregations. The greater number of their clergymen are educated at an academy at Bristol.

4. *Presbyterians.*—These derive their name from rejecting the episcopal and independent, and adopting the presbyterian form of church government. During the civil wars they were very powerful in England; and, at one time, there appeared to be much probability

that their's would be constituted the established religion of the kingdom. But having failed in effecting this, they have since gradually declined. Originally, their opinions were highly Calvinistic; but in this respect, also, they have materially varied; some congregations being Arminian, others Arian, and others Unitarian. A few presbyterian churches are in communion with, and adhere to, the standards of the church of Scotland; but, except in the northern counties, their number is inconsiderable. At the commencement of last century, the presbyterians were much more numerous than the independents; but, at present, they are said not to muster more than 200 congregations, and some of them very small.

The clergymen in and about London, of the independent, baptist, and presbyterian dissenters, are associated together in a body called the clergymen of the *three denominations*. Their meetings are held in Dr. Williams's library, in Red Cross Street. The business of the association has been long confined to the discussion of matters connected with the political condition and circumstances of the dissenters.

5. *Quakers or Friends.* — This sect is not very numerous, nor is it increasing. Quakers are principally to be found in Yorkshire, Lancashire, and Cumberland. Not a few of the wealthier individuals belonging to the sect have laid aside the peculiar dress and phraseology by which its adherents are commonly distinguished.

6. *Catholics.* — Owing to the late extensive immigration of catholics from Ireland, their numbers have rapidly increased within the present century. They are most numerous in Lancashire, particularly in Manchester and Liverpool, where they constitute a large class of the population. According to the details given in Mr. Lewis's valuable Report on the state of the Irish poor in Great Britain, there were in Liverpool, in 1800, 4,950 Irish catholics; in 1820, 11,016; and in 1833, no fewer than 24,156! The Irish catholics in Manchester, in 1833, were estimated at about 30,000. In Birmingham, in the same year, they amounted to between 5,000 and 6,000. The number of Irish catholics in London has been said to be as great as in Liverpool or Manchester; but we are not aware of the data on which this estimate has been made. — (*Report on the Irish Poor*, p. 7.) The English catholics are most numerous in Lancashire, Yorkshire, Staffordshire, and Warwickshire; and are pretty widely diffused over Northumberland and Durham, some of the principal families of which belong to their communion.

7. *Jews* are to be found in most large towns in England; but by far the greatest number are resident in London. Their total number may be estimated at from 12,000 to 14,000. — (*Encyc. Britannica*, art. JEWS.)

Exclusive of the above there are a great variety of other sects; but most of them have but few adherents.

Number of Dissenters. — There are not, we regret to say, any materials in existence by which to frame any tolerably accurate estimate of the number of dissenters. The *Congregational Magazine*, for January, 1836, contains a table, which appears to have been compiled with much care, of the number of congregations belonging to the leading classes of dissenters in the different counties of England and in

Wales, with the population, and the number of places of worship belonging to the established church. We subjoin this table:—

TABLE exhibiting the Population of each County of England and Wales, in 1831, the Number of Dissenting Congregations in each, and the Number of Congregations belonging to the Established Church.

Counties.	Population.	Number of dissenting Congregations in each County.									Total Dissenters.	Episcopalians.
		Roman Catholic.	Presbyterian.	Independent.	Baptist.	Calvinistic Methodist.	Wesleyan Methodist.	Other Methodist.	Quaker.	Home Missionary and other Stations.		
Bedfordshire	95,483	1	—	9	26	—	35	1	4	—	76	127
Berkshire	145,389	6	1	17	17	7	34	—	6	—	88	160
Buckinghamshire	146,529	1	—	22	36	1	25	—	8	33	126	214
Cambridgeshire	143,955	1	1	22	32	1	29	1	3	—	90	174
Cheshire	334,391	7	4	31	7	8	48	30	6	—	141	142
Cornwall	302,440	2	2	31	16	3	219	39	10	—	322	221
Cumberland	169,681	6	—	18	1	1	32	11	22	38	129	145
Derbyshire	237,170	7	3	39	21	3	84	22	5	—	184	176
Devonshire	494,478	8	5	63	44	5	93	18	6	28	270	490
Dorsetshire	159,252	8	4	29	7	—	21	22	5	37	133	263
Durham	253,910	15	17	14	10	—	72	28	7	37	200	112
Essex	317,507	5	1	68	34	1	35	1	20	—	165	402
Gloucestershire	387,019	7	1	31	38	11	51	7	13	—	159	372
Hampshire	314,280	15	4	48	37	6	26	—	5	—	141	320
Herefordshire	111,211	4	—	11	14	1	16	—	4	15	65	227
Hertfordshire	143,341	1	1	25	16	4	2	—	12	—	61	131
Huntingdonshire	53,192	—	—	9	13	1	8	—	3	—	34	97
Kent	479,655	5	7	53	39	15	90	—	9	47	265	421
Lancashire	1,336,854	86	21	100	40	9	154	80	25	66	581	292
Leicestershire	197,003	6	3	29	38	—	68	13	4	—	161	254
Lincolnshire	317,465	11	3	19	35	2	211	24	9	—	314	607
London and Middlesex	1,358,300	26	12	103	65	22	59	7	12	—	306	246
Monmouthshire	98,130	7	—	37	36	—	10	—	3	—	93	133
Norfolk	390,054	8	4	34	40	1	74	24	13	8	206	699
Northamptonshire	179,336	—	1	36	41	—	61	7	7	8	161	295
Northumberland	222,912	18	50	10	4	—	29	22	4	—	137	105
Nottinghamshire	225,327	5	2	19	17	—	77	41	3	—	162	216
Oxfordshire	152,196	7	—	17	14	—	43	2	10	6	99	242
Rutland	19,585	—	—	4	2	—	7	—	1	—	14	50
Shropshire	222,938	7	1	32	17	1	31	18	3	54	164	224
Somersetshire	404,200	10	6	68	48	6	94	20	17	12	281	494
Staffordshire	410,512	26	—	32	19	—	82	41	6	5	211	235
Suffolk	296,317	5	2	35	39	1	40	—	10	—	132	501
Surrey	486,334	2	1	31	16	4	—	1	10	29	94	159
Sussex	272,340	7	7	41	12	6	20	—	5	—	98	322
Warwickshire	336,610	15	5	39	29	2	18	2	12	15	137	217
Westmoreland	55,041	2	1	9	1	—	13	1	11	—	38	67
Wiltshire	240,156	3	1	51	37	1	37	—	3	5	138	314
Worcestershire	211,565	11	3	10	21	3	24	21	7	—	100	201
Yorkshire	1,371,359	51	9	170	65	1	552	147	64	10	1,047	760
Wales, North and South	806,182	6	14	374	159	500	214	15	9	—	1,091	998
England and Wales	13,897,187	416	197	1,840	1,201	427	2,818	666	396	453	8,446	11,825

Supposing this table to be nearly accurate, it shows that the dissenting congregations are, to those belonging to the church, as 84 to 118, or as 42 to 59. But we should err egregiously if we imagined that the number of individuals belonging to the dissenters and the church were in any thing like this proportion. Generally speaking the dissenters, particularly the methodists, are much more strict and regular in their attendance at divine service than the members of the established church. The latter, indeed, include a large class, partly consisting of the upper and partly of the lower and middle orders, who are but little scrupulous in their observance of the ordinances of religion. Many, too, of the dissenting congregations are extremely limited; and, though some of them are numerous, yet, at an average, they are small compared with those belonging to the church. On the whole, we incline to think, that the entire number of dissenters in England and Wales does not exceed 2,700,000, or, at most, 3,000,000, of whom from 500,000 to 600,000 may be catholics.

SECT. III. *Church or Kirk of Scotland.*

History of Presbytery in Scotland.—The reformation from popery began at an early period in Scotland, but made little progress till the time of John Knox, who commenced his career as a reformer in 1542: he died in 1572. On the 24th of August, 1560, popery was abolished in Scotland, and the protestant religion established by act of parliament. At this time it was necessary for the reformers to substitute a new system of ecclesiastical polity in room of that which had been abolished. Knox had studied under Calvin at Geneva; and hence the Genevan or *presbyterian* form of ecclesiastical polity was introduced and established in Scotland. This system was embodied in a work, now entitled, *The first Book of Discipline, or the Policy and Discipline of the Church*, and was laid before parliament in 1560 as a necessary accompaniment to the legal constitution of the reformed national church; but though not formally ratified by the legislature, it was subscribed by a great many of its members: while others of them denominated it "a devout imagination." It was submitted, in the same year, to the general assembly of the church (of the constitution of which we shall soon speak) at Edinburgh, by which it was approved. But, though parliament did not ratify the ecclesiastical system of polity contained in *The first Book of Discipline*, it accepted and confirmed the *confession of faith* drawn up by the protestant ministers, the object of which was not so much to establish the reformed doctrines, as to abjure popery; and hence it is called the *negative confession.* Another *confession of faith*, or *national covenant*, as it was called, was drawn up, ratified, and subscribed in 1580 and 1581, and on subsequent occasions.—(*Knox's History of the Reformation.—M'Crie's Life of Knox.—Peterkin's Compendium of the Laws of the Church of Scotland.*)

The question of ecclesiastical polity being still undecided by the legislature, and Episcopacy, which received the support of the sovereign, and of many of the most powerful families, and presbyterianism, which was embraced by the great body of the people, having for some years struggled for the superiority, the presbyterians at length took matters into their own hand; and the General Assembly, in 1578, gave its sanction to what is known in history as *The second Book of Discipline, or Heads and Conclusions of the Policy of the Kirk*, which, having thus become ecclesiastical law, was engrossed as such in the registers of the Assembly, that met in 1581, and has ever since continued to form the basis of the polity of the established presbyterian church of Scotland. This Assembly first divided the country into presbyteries and synods (1581); a measure taken at the express desire of the king (afterwards James I. of England), who, harassed by the unsettled state of religion, addressed a letter to the Assembly, urging that court to adopt some form or order as to the church, which might be permanent.—(*Cook's Hist. of the Church of Scotland*, vol. I. chap. vi.—*Calderwood's Hist. of the Church*, p. 92.)

Though the establishment of presbytery was not disagreeable to the

king, it did not obtain the sanction either of the Privy Council, or Parliament; and the king himself being lukewarm in the matter, episcopacy was three years afterwards established by act of parliament; presbytery declared illegal; and the presbyterian ministers were obliged to expatriate themselves, or to submit to persecution at home.—(*Vide suprà;* also *M'Crie's Life of Melville;* and *Spottiswood's History*, book vi.)

But, though proscribed, the presbyterians made such strenuous exertions in support of their views, and so plied the king with petitions and remonstrances, that, at length, he was forced to yield. Accordingly, on the 5th of June, 1592, the presbyterian form of church government received, for the first time, the sanction of parliament, and was established by law as the national church. To remove every obstacle to the full influence of the presbyterian ministers, they were provided with manses (parsonage houses) and glebes, even at cathedral churches.—(*Calderwood*, 268—270; *Spottiswood*, 238; and *Peterkin ut suprà.*)

This act of the legislature, however, had not long passed till insidious means were adopted, both by the court and in other quarters, to undermine the established religion, and to introduce prelacy in its stead. This was ultimately accomplished in 1606 by act of parliament; from which time till 1638, when the popular voice again predominated, episcopacy prevailed; presbytery was proscribed; and its members persecuted or banished. But, in the last mentioned year, the tide of affairs turned: the General Assembly met at Glasgow, and re-established presbytery, which, two years afterwards, received the sanction both of the king (Charles I.), and of Parliament.—(*Baillie's Letters and Journal*, vol. i.—*Murray's Life of Rutherford*, 29. 34. 138. 146.—*Wodrow's Hist.*, vol. i.)

Presbytery kept its ground, embracing the great body of the people, till the Restoration in 1660; when episcopacy again obtained the ascendancy, which it with difficulty maintained, and at the expense of much persecution and many martyrdoms, till the Revolution in 1688; soon after which it was abolished, and the national church of Scotland declared presbyterian,—a form which it has since retained. The statute of 1592 was taken as the model; and the enactments that had been passed by the various General Assemblies since that period, particularly the celebrated Assembly of 1638, were confirmed: the act of William and Mary, re-establishing presbytery, passed in 1690.—(*Baillie, Cook, Wodrow, and Acts of General Assembly.*)

Standards of the Church.—In the time of Charles I., in 1643, the episcopal form of worship being regarded by the popular party in England as unsound, the celebrated Westminster assembly of divines was summoned to meet by the two houses of the English parliament, even against the express command of the King. To this Assembly, which continued its sitting for five successive years, though, nominally, it lasted for nine years,—the Scotch church sent a commission, consisting of five ministers and three elders, at the solicitation of the English parliament. To the deliberations of this Assembly the Scotch church is indebted for a Directory of Public Worship, a Form of Ordination, the Larger and Shorter Catechism, and the Confession of

Faith: all which were adopted by the General Assembly, and confirmed by the Scotch parliament as agreeable to the Word of God. These, though they did not continue long in force in England, are still valid in Scotland, and form the standards of the doctrine and discipline of the presbyterian church. The doctrines of that church are Calvinistic; the leading tenets being predestination, original sin, particular redemption, irresistible grace, justification by faith, and the perseverance of the saints. — We now proceed to consider the constitution and discipline of the church. — (*Confession of Faith; Acts of General Assembly;* and *Murray's Rutherford.*)

Parishes. — Every parish in Scotland enjoys the privilege of a resident clergyman; *residence* being obligatory by law so early as the year 1563. But in parishes which include burghs, and in city parishes, the church is often collegiate, that is, has the services of two clergymen, who preach alternately in the same place of worship. The number of collegiate churches is 27: the whole number of parishes is 1023; so that, including the collegiate charges, the whole number of clergymen is 1050. The number of parishes has not been invariable. Two, and sometimes three, small parishes, lying contiguous to each other, have occasionally been united into one; and new parishes, particularly in cities and the larger towns, have been erected. The number of parishes has been increased in two other ways. 1. Owing to the inconvenient extent of parishes in the highlands, and the consequent distance of many of the people from the parish church, missionaries, being first ordained as clergymen, were appointed to certain localities with the privileges *quoad spiritualia* of parochial clergymen, except that they could not be constituent members of any of the church courts, and could not even have sessions of their own. But in 1833, these localities were, by an act of the General Assembly, converted into parishes *quoad sacra*, and the clergymen were invested with all the rights and privileges of parish ministers, and declared constituent members of the ecclesiastical courts. The incomes of these clergymen differ in different places, but never exceed 100*l.*, and often do not amount to half that sum. They are paid out of a sum of 2,000*l.*, granted yearly by her Majesty, and called the "Royal Bounty." The number of these new parliamentary or government parishes, is 41. 2. From the many difficulties of erecting new parishes, means were introduced (in addition to the establishment of parliamentary churches) to supersede the necessity of such a step; and this object was accomplished by the institution of *chapels of ease*, or subsidiary places of worship, without any assigned locality. The members of such chapels (the first of which was erected in 1798) were paid out of the seat rents, — a *minimum* stipend being guaranteed to them by a bond on the part of the managers of each chapel; but though in full orders, like the parliamentary ministers, and entitled to perform every sacerdotal function, they were not entitled to have a session of their own, or to be members of any church court. These chapels amounted to 66; when, in 1834, the General Assembly conferred on them the same rights and privileges which belong to parish ministers, and appointed them a certain locality, *quoad sacra*. Since that period, and particularly of late, their number has been rapidly

increasing; but the number (1023) previously mentioned, was the total amount of parishes, including the whole newly erected parishes, down to the 1st of January, 1836. Since this period, however, the Church Extension Scheme, (which is carried on by a committee of the General Assembly), has been prosecuted with extreme assiduity; and the number of new churches built is very considerable; perhaps about 50. But as many of them are not yet supplied with clergymen, and may not soon, if ever, be so supplied, and as congregations have not been formed for them, it is not necessary, and would be impossible, to specify their exact number. The General Assembly has applied to Government for endowments, not only for the chapels already built, but for all those that may hereafter be erected; but hitherto without effect. A Royal Commission, appointed in 1835, have made three separate Reports on the subject; and ministers, while they have declared their intention not to give any allowance to the large towns, have held out a hope that grants (not from the public purse, but from the unappropriated teinds or tithes, to be afterwards explained,) may be given, in cases where religious destitution is proved to obtain in extensive rural parishes, chiefly in the Highlands. Such grants, however, are most strenuously resisted as a violation of all sound principle, both by many members of the Established Church, and by all the different dissenting bodies throughout Scotland. — (*Church Commission Reports, passim.*)

The Church Judicatories.— The Kirk Session.— The Kirk Session is the lowest court. It is composed of the minister of the parish, and of lay-elders. New elders are chosen by the Session; but their names being read from the pulpit at least ten days before their ordination, the congregation have the power of objecting to them; and, if the objection be found valid, they cannot be inducted. An elder, on his ordination, has to declare his implicit assent to all that is contained in the Confession of Faith, and to sign the standards of the church. The minister and two elders can form a session; but the session is generally composed of a greater number of elders: a dozen is reckoned a pretty ample session. The minister is officially *moderator*, or president of the session; and a session cannot exercise any judicial function, unless the meeting have been constituted by prayer, either by the parish minister, or some other minister officiating in his room. The session takes cognisance of cases of scandal, of the poors' funds, (which in about nine tenths of the parishes of Scotland consist solely of the collections at the church doors) and general parochial ecclesiastical discipline. The duty of the elders also is to visit the sick, each in a given district of the parish. There is a power of appeal from the decisions of the session to the presbytery, the next court in dignity.— (*Principal Hill's Constitution of the Church of Scotland:* also *The Practice of the several Judicatories of the Church of Scotland,* by his son, Dr. A. Hill. — *Acts of Assembly.*)

The Presbytery is composed of a number of contiguous parishes; but the number is indefinite. The largest number in any presbytery (that of Glasgow) is 36: the smallest number is 6. A presbytery consists of the ministers of all the parishes within its limits; of the professor of divinity, if there be any university within the same; and

of a lay-elder from each parish. Thus, if no church be collegiate, and if there be no professor of divinity, the number of ministers and elders in any meeting of presbytery may be equal. A moderator, who must be a clergyman, is chosen twice a year. The presbytery takes young men on trials as students of divinity, and candidates for license; ordains presentees to vacant livings; has the superintendence of religion and education within its precincts; and has the power of sitting in judgment on the conduct of any of its members, and can depose them. But its decision is not final, if an appeal be lodged to the synod. A presbytery generally meets monthly: it must necessarily meet at least twice a year. It may continue its sitting as long as necessary; and may hold *pro re natâ* meetings. The number of presbyteries, at present, is 80.—(*Principal Hill ut suprà.*)

The Synod.—A synod is composed of two or more presbyteries. It consists of every parish minister within its limits, and of the elders who have last represented the different sessions in the presbytery; so that the number of ministers and elders may be equal. Neighbouring synods correspond with each other by sending a minister and elder, who form constituent members of the synod to which they are sent. At every meeting a moderator, or president, who must be a clergyman, is chosen. A sermon is preached by the moderator at each opening of the synod. This court meets twice a year; but there may be, though there seldom are, *pro re nata* meetings. The number of synods is 16. —(*Hill ut suprà.*)

SYNOPSIS of the Synods, Presbyteries, &c., of the Kirk of Scotland.

Synods.	Presbyteries.	Parishes.	Clergymen.
Synod of Lothian and Tweedale -	7	120	128
Merse and Tiviotdale - -	6	66	66
Dumfries - - -	5	56	56
Galloway - - -	3	37	37
Glasgow and Ayr - -	8	155	159
Argyle - - -	5	55	57
Perth and Stirling - -	5	89	90
Fife - - - -	4	67	72
Angus and Mearns - -	6	84	87
Aberdeen - - -	8	108	109
Moray - - - -	7	56	58
Ross - - - -	3	27	27
Caithness and Sutherland -	3	28	28
Glenelg - - - -	5	41	41
Orkney - - -	3	20	21
Shetland - - - -	2	14	14
Total number - 16 Synods -	80	1023	1050

The General Assembly.—This is the highest ecclesiastical court, its decisions being supreme: it meets annually in the month of May; and sits for ten successive days. But if any cases be left undecided, a commission is appointed, with power to take them up, and decide

upon them. The commission is equivalent to a committee of the whole house, being composed of all the members of Assembly and one minister additional, named by the moderator. The commission also holds quarterly meetings. The Assembly, unlike the inferior courts, consists of representatives from the presbyteries, royal burghs, and universities of Scotland, formerly from the church of Campvere (now extinct), and from the churches in the East Indies, connected with the church of Scotland, as follows: —

Eighty Presbyteries send, ministers - - - -	218
elders - - - - -	94
City of Edinburgh, elders - - - - -	2
Sixty-five other royal burghs - - - - -	65
University of Edinburgh, University of Glasgow, University of St. Andrews, Marischal College, Aberdeen, King's College, Aberdeen, — one minister or one elder each - -	5
Churches in India, a minister and an elder - - -	2
Campvere (now extinct)	
Total number of members,	386

The proportion which the representatives of the several presbyteries in the General Assembly bear to the number of ministers within each presbytery, is as follows:—"All presbyteries consisting of 12 parishes or under, shall send two ministers and one elder; all presbyteries, consisting of 18 parishes or under, but above 12, shall send three ministers and one elder; all presbyteries, consisting of 24 parishes or under, but above 18, shall send four ministers and two elders; all presbyteries consisting of 30 parishes or under, but above 24, shall send five ministers and two elders; and all presbyteries, whose number exceeds 30, shall send six ministers and three elders." — (*Acts of Assembly*, 1694, and 1712.)

The General Assembly is honoured with the presence of a nobleman as representative of the sovereign, under the title of Lord High Commissioner. This high functionary takes no part in the proceedings of the court, and has no voice in its deliberations: even his presence is not necessary. When from any cause he is unable to attend, the business of the court proceeds notwithstanding his absence. The truth is, the church has always claimed the inherent right of meeting, both in its supreme and inferior judicatories, by its own appointment; and occasions have occurred (particularly in 1638 and 1692) when, though the commissioners dissolved the Assembly, the court continued its sitting, and, by its own intrinsic power, appointed the day when the next Assembly should be held. These two rights, apparently so incompatible, of the civil and ecclesiastical authorities, have not come into collision for the last 146 years, and, under ordinary circumstances, are found sufficiently to harmonise. When, for example, the business of the Assembly is concluded, the moderator first addresses the court, and, in the name of the Lord Jesus Christ, the king and head of his church, appoints another Assembly to be held on a certain day in the

following year. The Lord High Commissioner then addresses the court, and, in the name of the sovereign, appoints another assembly to be held on the day mentioned by the moderator.—(*Hill ut suprà*, and *Acts of Assembly.*)

The Assembly chooses a new moderator yearly, who, in recent times, is always a clergyman. But at an early period, laymen (for example, George Buchanan and Andrew Melville,) have filled the chair.—(*M'Crie's Life of Knox*, vol. ii. p. 282.) A sermon is preached by the moderator before the opening of the Assembly.

Course of Study for the Church.—The course of study for the church is abundantly ample, extending to eight years at one or other of the universities of Scotland. Of this period, the first four years are devoted to literary and philosophical study, comprehending Latin and Greek, logic and metaphysics, ethics, mathematics, and natural philosophy; the other four years to Hebrew, church history, and theology, biblical, exegetical and systematic. During these last four years the students must attend both Hebrew and church history for two sessions; but theology, which cannot occupy less than four years, may be extended to five: the regular time is three full years and a partial one; but the student, at his own option, may take five years, that is, two full years, and three partial ones. During his theological course, exclusive of his exercises as a student of Hebrew and church history, he has to deliver to the professor of divinity five discourses; namely, an exegesis, in Latin, a homily in English, an exercise and addition, a lecture on some large portion of Scripture, and a popular sermon.—(*Dr. A. Hill's Practice*, p. 42.—*Peterkin's Supplement*, p. 60.) Before entering on his theological course, the student has to be examined, and his examination sustained, by the presbytery, within whose limits he resides: and it has recently been resolved by the General Assembly that such examination be annual.

After this routine of study, which must be duly certified, the student is taken on trials for license by the presbytery, before which he has, in addition to the usual examination, to deliver five discourses as above, on subjects prescribed by the court. If the presbytery find him unqualified, they may reject him altogether, or appoint new trials for him, or remand him to his studies. If they sustain his trials and pass him, he obtains license as a *probationer*, or preacher of the Gospel; and thus becomes qualified to perform all the sacerdotal functions, except dispensing the two sacraments of baptism and the Lord's Supper, and celebrating marriage. He is now in a state to receive the presentation to a parish, or other benefice; on his appointment to which he receives ordination on the part of the presbytery.—(*Acts of Assembly.*)

Patronage.—Lay patronage, or the right of nominating to a vacant parish by a lay patron, has generally, though with slight modifications, been the law of the church. From 1690, however, to 1712, patronage was abolished; and the right of presentation was lodged in the heritors or landholders of parishes and the members of the kirk sessions. Patronage was revived in the year last specified; and continued uninterrupted till 1834. A slight appearance of popular rights, as to the reception or rejection of a presentee was preserved, but rather in

name than in reality. After a presentation had been sustained by the presbytery, the presentee was appointed to preach in the vacant church for one or more Sundays; and a day was fixed posterior to his preaching, on which a *call* was to be given him by the people, or as the phrase is, was to be *moderated in;* notice to that effect being given from the pulpit. At that meeting, after sermon had been preached by a member of presbytery, the parishioners were invited to subscribe a written call to the presentee to be their future minister. At one period the call was essential to a presentation, but its efficacy was gradually given up; till, at length, without any alteration being made in the law, it virtually fell into dissuetude; that is, a presentation was reckoned valid, if a single name, or perhaps not even a single name, was attached to it. This state of things, having occasioned many violent intrusions of clergymen, and given general dissatisfaction, was remedied, as above hinted, in 1834; when the efficacy of the call was not only restored, but placed on a firmer foundation than ever. "If," to use the words of the Act of Assembly, "at the moderating in a call to a vacant pastoral office, the major part of the male heads of families, members of the vacant congregation, and in full communion with the church, should disapprove of the person in whose favour the call is proposed to be moderated in, such disapproval shall be reckoned sufficient ground for the presbytery rejecting such person, and he shall be rejected accordingly." The act farther declares, "that no person shall be held to be entitled to disapprove as aforesaid, who shall refuse, if required, solemnly to declare in presence of the presbytery, that he is actuated by no factious or malicious motive, but solely by a conscientious regard to the spiritual interest of himself or the congregation." This statute is known by the name of the *Veto* Act. But the validity of this act is disputed, in so far as it interferes with the civil rights of patrons and presentees. The case was recently (1838) decided in the Court of Session (the supreme civil judicatory in Scotland) against the *Veto* Act, as altogether *ultra vires* of the church. But an appeal has been lodged against that decision to the House of Lords. The *Veto* has of late not unfrequently been exercised; so that, an interdict having been taken in such cases, against farther proceedings on the part of the church courts, the appeal to the Lord Chancellor involves the interests of several parties. The right of patronage, it may be observed, is private property; and may be sold or alienated like any other property. The patronage of about a third part of the parishes of Scotland is vested in the Crown.

Teinds or Tithes.—The income or stipend of the ministers of the church of Scotland (exclusive of the ministers of the *quoad sacra* parishes already noticed) is derived from the wreck of the tithes, or *teinds* as they are commonly called, that belonged to the Catholic hierarchy. On the Reformation, teinds and other church property suffered much dilapidation; the greater part having been seized by the nobility and higher gentry. A small portion only has since been devoted to the maintenance of religion. In 1561, by an act of the Privy Council, a third part of the ecclesiastical revenue was given to the church; but of this third, no small portion "was discharged by

the Queen [Mary] or bestowed in pensions on favourites of the court." — (*Connel on Teinds*, vol. i. p. 150.) The highest stipend that was given was 300 marks Scots, or about 16*l.* sterling; but the majority of ministers got only 100 marks. Various modifications and changes, none of them favourable to the clergy, — many of whom were literally starving, — afterwards took place with regard to this paltry allowance, till 1617, when the *maximum* stipend was fixed by act of parliament at 1000 marks, or 10 chalders of corn or *victual;* the *minimum* at half that amount, "except where the whole fruits of the kirk will not extend to that quantity." — (*Ib.*) But the greatest change which teinds in Scotland has undergone, took place in the reign of Charles I., who revoked the whole ecclesiastical grants (except the church lands) conferred by his father on his subjects. This revocation being made, though with difficulty, it was provided that the teinds, except such as were appropriated to the payment of stipend, should be valued and sold. The landholders were entitled to sue for a valuation or *modus*, and to purchase the teinds of their own estate. The valuation was devolved on commissioners and sub-commissioners, the latter of whom itinerated. A body of commissioners was maintained for this purpose from the reign of Charles I. to the Union in 1707; at which time the Court of Session was authorised to supply their place, and to determine in all cases of valuation and sale of teinds. As the commissioners had been empowered to modify the stipends of the ministers, the same right was transferred to the Court of Session. The burden of building parish churches and manses, and keeping them in repair, also devolves on the proprietors of land, according to the valued rental of their several estates. — (*Act of Convention*, 1670. c. 3. — *Connel on Teinds.*)

A clergyman is entitled to apply to the Court of Session for an augmentation of his stipend, which it is competent for that court either to grant or refuse. But 20 years must elapse before such application can be renewed. On all lands not valued, the teind when valued (which is likely to be done on an augmentation of the minister's stipend,) is fixed at the fifth part of the existing rental. The ministers of Edinburgh and Montrose are paid, not by teinds but by a local tax levied on the occupiers of houses. — (*Ib.*)

Manses and Glebes. — A minister, as previously stated, is entitled to a parsonage-house, or manse, and a glebe. The statutory *minimum* allowance for building a manse, is 1000 marks. But generally ten times that sum or more is given; manses being mostly built on an improved style of accommodation, and fully suitable to the income and rank of a clergyman. The *minimum* legal size of a glebe is four arable acres, with grass or pasture for a cow and two horses. But glebes are seldom, if ever, confined to that size; being generally twice or three times as large. The minister of a royal burgh possesses no legal claim to a glebe; and it is not a settled point whether he is entitled to a manse, though he frequently enjoys both; generally the latter, or a sum in lieu of it. — (*Dunlop's Parochial Law*, chap. ii.)

Income of the Clergy. — The exact income of the clergy cannot be ascertained; but a very near approximation to it may be made. Except in parishes where the teinds are exhausted, and they are paid a fixed

money stipend, their income is measured by the price of corn as fixed by the *fiars* struck annually in February, and determined by the average price for the preceding three months. Stipends, consequently, oscillate in amount. At present (1838) they are rather high, but they have been low for several years back, owing to the comparatively low price of grain. Stipends in country parishes, where there are unappropriated teinds, are nearly equal; but in royal burghs, or in parishes of very great population, they are higher. In several parishes the teinds have been exhausted, and are all appropriated to the incumbent, without yielding him an income of 158*l.* 6*s.* 8*d.*, including an allowance for communion elements. To raise them to this minimum amount, the act 50 Geo. III. set apart a sum not exceeding 10,000*l.* yearly, with a farther sum of 2,000*l.* a year, to raise the stipend of such clergymen as cannot, according to law, be provided with manses and glebes, to 200*l.* The parishes so assisted are called Bounty Livings. Their number is 196; of which the highest receives from Government 144*l.* 18*s.* 10*d.*; (the teinds producing only 13*l.* 7*s.* 10*d.*); and the lowest 11*s.* 7*d.* There are 17 parishes that receive above 100*l.*, and 25 that receive under 20*l.* — (*Record in Teind Court.* — *Peterkin's Supplement.*)

The aggregate amount of the whole teinds of Scotland appropriated to the payment of stipend (taking the average of the seven years preceding 1835), is 177,471*l.* 17*s.* 2*d.*; to which add 12,000*l.* annually granted, as above stated, by Government; and the result will be 189,471*l.* 17*s.* 2*d.*; which revenue, taking the number of incumbents at 943 (that is, including the collegiate members, but not the ministers of the *quoad sacra* parishes), affords an average income to each incumbent of 200*l.* 18*s.* 5½*d.* a year, exclusive of manse and glebe. — (*Report of Church Commissioners*, vol. iii.) The gross ecclesiastical income of the Church of Scotland, including that of the *quoad sacra* livings, will not exceed 200,000*l.*

But, as already stated, the teinds applicable to the support of the church are not all exhausted. They are exhausted in 196 parishes, without making up the stipends of the clergymen to 158*l.* 6*s.* 8*d.* the deficiency being supplied by Government. They are exhausted also in 206 other parishes; but as in these they yield upwards of 158*l.* 6*s.* 8*d.* of stipend, no aid is required or given from the Exchequer. In the remaining parishes they are unexhausted, leaving altogether a clear surplus of 124,318*l.* 12*s.* 11*d.* These unexhausted teinds are held by different parties, — by heritors or landholders, by the crown, and by the universities. They are liable in payment of all future augmentations of stipends, according as the Court of Teinds may determine; and it is now understood and defined, that the different species of teinds are liable in the following order: —

Teinds which have never been affected by any grants to a layman, are liable *primo loco.*

Teinds in the hands of titulars (lay impropriators), and levied by them out of the lands of others, *secundo loco.*

Teinds held by heritors on lease from the titular, *tertio loco.*

Teinds heritably belonging to the titular, and those to which he has granted heritable rights to others, *quarto loco.*

Bishops' teinds, after other teinds are exhausted, *quinto loco.*

And college and other teinds appropriated to pious and charitable purposes, *sexto loco*, it having been lately ruled by the Court, that where other teinds are deficient, the right of the parochial clergymen is paramount to all pious or other purposes.

If any legislative grants of money are made to the new or *quoad sacra* churches, it is supposed that they will be given out of the Bishops' teinds, which yield about 10,000*l.* a year.

SECT. IV. *Scotch Dissenters.*

Secession Church, Origin of. — Presbytery having, as above stated, been established as the national religion, the church continued for a while cordial and harmonious. But, owing to an undue exercise of patronage, in intruding a minister on a parish (Kinross), contrary to the declared sentiments of the people, a schism began to appear in 1730. Several ministers, of whom Ralph and Ebenezer Erskine were the leaders, refused to obey the authority of the church courts, as to the induction and subsequent recognition of the intruded clergyman; and after some years of discussion, in the ecclesiastical judicatories, the pulpit and the press, eight ministers were deposed, in 1740, by the General Assembly, and their parishes declared vacant. To these ministers the name of *seceders* was given; and as most of the members of their congregations adhered to them, and others followed, they became the founders of the Secession Church in Scotland. The number of congregations and clergymen belonging to that body rapidly increased, and have continued to increase till the present day. — (*Fraser's Life of Erskine.* — *The Rev. John Brown's* (of Haddington) *Hist. Acc. of the Rise and Progress of the Secession.*)

Division of the Seceders into Burghers and Anti-burghers. — The seceders soon split among themselves. On admission to the privilege of a burgess in any of the royal burghs in Scotland, the following oath was required to be taken: — "I protest before God and your lordships that I profess and allow with my heart the true religion presently professed within this realm, and authorised by the laws thereof: I shall abide thereat, and defend the same, to my life's end, renouncing the Roman religion called papistry." Respecting the propriety of this oath, the ministers of the secession were divided in opinion. One party maintained that there was no inconsistency in taking it, inasmuch as they considered the established church as professing the true religion, notwithstanding the faults that attached to it, and though they had seceded from it: the other party espoused and defended the opposite opinion. A separation, in consequence, took place between them in 1747: the former party being named *burghers;* the latter *anti-burghers.* The two parties continued separate till 1820, when the burgess oath being generally dispensed with, or abolished, they again united, and assumed the denomination of the *United Associate Synod of the Secession Church.* The associate synod now comprises 19 presbyteries, composed of 334 congregations, with an equal number

of ministers, there being no collegiate churches belonging to the body. — (*Ib.*)

Number of Seceders. — On this subject we have no statistical data for forming a correct opinion. It is supposed that, at an average, the number of members or communicants belonging to each congregation is about 350, exclusive of hearers, not communicants, and the children of communicants; and that these two exceed the number of members. Each congregation may therefore be supposed to average from 700 to 750 members, &c. In other words, the United Secession Church, including members, hearers, and children not communicants, may embrace a population of about 260,000. Some congregations — those, for example, of Broughton Place and Bristo Street chapels, Edinburgh — consist of no fewer than 1,200 members, exclusive of hearers and children not communicants: and there are some congregations that are even larger. Others, particularly those in an incipient state, do not exceed 100; but there are few so small. The synod has recently issued a schedule, addressed to all its members, requiring information on these and other points. In addition to the 324 congregations previously mentioned, the Secession Church maintains, at its own expense, no fewer than 50 missionary stations throughout Scotland, which are supplied with sermons either every Sunday, or twice or thrice monthly; the number of such stations has hitherto been annually increasing. Including the numbers that attend these sermons, the aggregate number of persons belonging to the United Associate Synod cannot be under 300,000. The synod also devotes no inconsiderable portion of their funds (all raised by subscription or church collections "for religious purposes,") to the propagation of the Gospel in foreign parts. In addition to contributions to this fund, many congregations, particularly in the largest towns (that of Broughton Place chapel, Edinburgh, for example), support one or more local missionaries at their own expense. Of the exertions made by this numerous and respectable body of Christians in support of schools, we shall speak under the proper head. — (*Report of the Fund of the United Associate Synod*, 1835.)

Constitution, &c. — The exposition previously given of the presbyterian polity applies to the associate synod. They have lay-elders, kirk sessions, and presbyteries; but, instead of a general assembly, they meet in synod twice a year, the synod being their supreme court. They abjure patronage: their ministers are chosen by the communicants of each congregation. They have the same confession of faith, and the same standards as the established church: they differ, in truth, from that church chiefly on the question of patronage; and are, generally speaking, stricter presbyterians and more rigid in discipline; they disallow any connection of ecclesiastical with civil rights, as Erastian and unscriptural.

Course of Study for the Ministry. — The course of study in the secession church is very nearly the same as that adopted by the establishment. A student, previously to his being taken on trial for admission to the theological seminary, requires to have gone through the same curriculum of study as has been already described. The only

exception is, that the study of natural philosophy may be deferred till after commencing the study of divinity, but the student must produce the certificate of the professor of that science, and be examined as to his proficiency in it, before being taken on trials for license. An examination in literature and philosophy, as well as an inquiry into religious and moral character by the presbytery, always precede admission to theological study. All the students in divinity must be members in full communion. The secession has four professors of divinity, each giving instruction in one great department of theological science, or explanatory of the duties of the Christian ministry. 1. The professor of biblical literature, who prelects on the history, evidences, and general principles of interpretation of the sacred books, or what the Germans call *Hermeneutics*. 2. The professor of exegetical theology, who gives lectures, and conducts examinations on the more important portions of the sacred volume,—particularly on the doctrinal epistles. The course of the present professor embraces a critical exposition of the principal prophecies of the Messiah, the doctrines of Jesus Christ, and the Epistles to the Romans, Galatians, and Hebrews. 3. The professor of systematical theology. 4. The professor of pastoral theology, who instructs the students as to the best mode of conducting the duties of the Christian ministry, giving, also, an abstract of ecclesiastical history. The term of study is five years: the duration of the annual session two months. The students are usually from five to six hours a day in the class-room. They are committed to the care of the professors of biblical literature and exegetical theology for the first two years; and the professors of systematic and pastoral theology for the three last years of their course. During the long vacation of 10 months, they are under the care of their respective presbyteries, who call them before them, examine them as to their progress in their studies, and hear and criticise their exercises. The course of trials and examination both on getting license and on induction to a living, is much the same as in the established church.—(*Communication from the Rev. Dr. Brown*, of Edinburgh.)

Stipends.—The stipends of the members of the secession church vary from 70*l.* a year to 450*l.*: most of them range from 100*l.* to 200*l.*; and we shall not be far off the mark if we take 150*l.*, certainly not less than 130*l.*, as the average. In the country, in addition to the stipend, the minister is generally furnished with a dwelling-house. None of the ministers have, or ever had, a legal bond securing their incomes. —(*Ib.*)

Original Burgher Associate Synod.—When the burghers and anti-burghers united, several congregations of the former declined the coalition. These extend, at present, to four presbyteries, including 44 congregations. They have a professor of divinity for themselves; and in all their leading principles are identical with the United Associate Synod, of which we have now given an account.—(*The Rev. John Brown's Hist. of the Secession.*)

Associate Synod of Original Seceders.—This body separated from the burgher denomination in 1806, in consequence of the opinions held by the latter respecting the total independence and incompatibi-

lity of the religious and civil authorities. The former recognise the validity of the connection between civil and ecclesiastical matters,—are in favour of a national church,—and on the occasion referred to, wished the Burgher Synod to publish a *testimony* suitable to the agitated state of the times. To this proposal the Burgher Association declined to accede: and hence the minority withdrew from all connection with them, and formed themselves into a presbytery, separate and distinct from their former associates, called, at first, *The Constitutional Associate Presbytery*, but afterwards *The Associate Synod of Original Seceders*. This body now extends to four presbyteries, embracing 33 congregations: they have a professor of divinity of their own; but in all other respects, with the distinctive exception above stated as to the exercise of civil jurisdiction *circa sacra*, they are identical with the synod from which they withdrew.—(*M'Crie's Statement of the Difference, &c.*, Edin. 1807.)

Relief Synod.—The origin of this body was as follows:—In 1755, on occasion of a vacancy in the incumbency of Jedburgh, the town council and the majority of the inhabitants applied to the patron for a presentation in favour of Mr. Boston, minister of Oxnam, to be their pastor. This application was unsuccessful; in consequence of which the parties in question, and the people generally, invited Mr. Boston to be their minister; and bound themselves to pay him a stipend of 120*l.* per annum. This invitation he accepted; and having afterwards (1758) been deposed by the General Assembly, he, with Mr. Gillespie, who had also been deposed for disobedience to the orders of the General Assembly, united, and founded the *Relief* Church; professing to differ from the established church on no point other than the right of patrons to appoint ministers against the inclinations of the people. The Relief Synod rapidly increased; and now comprehends 10 presbyteries, including 107 congregations; being, in point of numbers and influence, next to the United Secession Church. Indeed, these two bodies (the Secession and the Relief,) are at present engaged (1838) in making overtures to each other for forming a union of the two denominations. The Relief Synod have a professor of divinity in their own connection.—(*Statist. Acc. of Scotland*, vol. i., art. JEDBURGH.)

Reformed Presbyterian Synod.—This is the only remaining presbyterian body in Scotland, of which an account has not been given. They are the successors and representatives of a small but interesting portion of presbyterians who would not accept the settlement of presbytery as established by law in 1690. They represent the *Covenanters* in the time of Charles I. and his son. They kept, and still keep aloof from the church establishment, inasmuch as they refused to accept of any establishment of presbytery unless the King subscribed *the solemn league and covenant*, and the various standards of the church. They are also known by the names of *Cameronians* from Cameron, one of their most eminent ministers in the time of Charles II.,—and of *hills-people* from the circumstance that, till within the last fifty years, they generally continued to hold public worship in the open air, in honour of their forefathers, who, in times of persecution, had been driven to

the hills for safety, and there in groups heard the Gospel preached, and celebrated ordinances: they are in favour of an established national religion on the terms referred to. They are perhaps the most rigid presbyterians in Scotland. They have a professor of theology in their own communion. Their synod comprehends five presbyteries, embracing 33 congregations.

All the Scotch Presbyterians are Calvinists.—All these various bodies of presbyterians, of which we have given an account, are Calvinists, recognise the same confession of faith, and the same standards; and differ only on points of discipline, chiefly that of patronage, their religious tenets being identical.

Scotch Episcopal Church.—Though episcopacy was, at various periods, the established religion of Scotland, the number of episcopalians is not at present large: they extend to five dioceses, including 72 chapels, of which two are collegiate; some of these congregations being small, and supported not so much by numbers as by some wealthy families in the several localities. Of their five prelates, the bishop of Brechin is the primate. They have a theological institution at Edinburgh for the education of young men for the ministry. They adhere to the standards of the episcopal church of England, but have otherwise no connection with, and are independent of, that church. There are four episcopal chapels in Scotland, (in Perth, Montrose, and Aberdeen) not connected with the Scotch episcopal churches.—(*Keith's Scottish Bishops*, edited by Russell.)

Independent Churches.—The independents, or *Congregational Union of Scotland*, extend to 88 congregations; but of these some are very small. A meeting of the Union takes place once a year in Edinburgh; when a deputation of ministers from the Congregational Union of England usually attends. The independents generally are Calvinists.

Other Religious Sects.—There are various other religious sects in Scotland, namely, Baptists, Methodists, both Wesleyan and primitive, Quakers, Bereans, Glassites, or Sandemanians, Unitarians, New Jerusalemites, Jews, &c. A sect has recently sprung up, named *Rowites*, from the Rev. Mr. Campbell, minister of the parish of Row, in Dumbartonshire, its founder, who was deposed for heresy by the General Assembly in 1832. Rowism in Scotland is somewhat akin to what is known as *Irvingism* in England. The Rowites assign great dignity and impute extraordinary influence to the Holy Spirit; and have laid claim, in some instances, to miraculous powers and to the gift of tongues. But their tenets have never been properly defined or formed into a regular system, nor have they gained many proselytes.

Roman Catholics.—Extent of the Roman Catholic religion.—The Roman Catholic religion still prevails in Scotland to no inconsiderable extent. There are many places, such as some districts in the western highlands, and some of the western islands, where this religion has prevailed from the most remote times; and there are many old families throughout all parts of the country that still, in the midst of protestantism, adhere to the faith handed down to them by their forefathers. Recently the great influx and settlement of Irish poor has

prodigiously increased the number of Catholics. The last bishop of the ancient Catholic hierarchy (James Beaton) died in 1603; and it was not till 1694, in the reign of William and Mary, that the pope appointed another bishop, with the powers of Vicar Apostolic over the Scotch Catholic church. Since that time there has been a regular succession of prelates. Scotland is at present divided in three dioceses, with a bishop to each: the eastern district, the western district, and the northern district. The eastern district contains 12 chapels, with 15 clergymen: the western district 20 chapels, with 27 clergymen: the northern district 23 chapels, with 24 clergymen; making altogether 55 stated places of worship, and 66 clergymen. But this statement communicates very inaccurate ideas as to the aggregate number of the Catholics, inasmuch as the priest of each chapel has the superintendence of a large district of country, often 50 miles in extent, with subordinate places of worship. Almost every priest, indeed, may be said to itinerate.—(*Catholic Directory for Scotland*, 1836.) It is supposed that the whole Catholic population of Scotland is not less than 140,000, including the children of Catholic parents. The Catholics in Glasgow alone amount to 35,000; in Edinburgh to 12,000. Of the income of the Catholic clergymen, it is impossible to give an account. They have no fixed incomes: whatever these may be in amount, they are derived solely from the contributions of their flocks. —(*Letter from the Very Rev. Bishop Carruthers of Edinburgh.*)

Education.— After the Reformation, the Catholics destined for the church were compelled, owing to the severity of the penal laws, to seek education in foreign parts. For this purpose, means were obtained to form small seminaries at Paris, Douay, Valladolid, Rome, and Ratisbon: from all which the Scotch Catholic church still derives some benefit. There are, for example, funds sufficient at this moment at Paris to maintain 18 youths during their course of education. But within the last hundred years Catholic seminaries have been established in Scotland: of these the chief, till recently, were those of Lismore and Aquhorties. The only seminary that they now have is St. Mary's College, Blairs, Kincardineshire. The plan of education comprises, along with the more elementary branches, Latin, Greek, French,—and Italian, and Spanish if required; poetry, rhetoric, mathematics, philosophy in all its branches, and divinity. The seminary has a president, two professors, and a procurator. Students are received from eleven to sixteen years of age. The students intended for the church are maintained and educated *gratis* after the first year. But in the case of young men studying for the church, the seminary at Blairs is, in the majority of instances, used only as initiatory; the student going abroad to complete his education. A convent (St. Margaret's) was established in 1835, within a mile of Edinburgh; the object of which is to promote the education of young ladies,—particularly those of the higher classes,—and the relief of the destitute and the sick. Of the ladies or nuns, the majority are foreigners; the rest Scotch. In connection with the convent, a separate residence, with a charity school and dispensary annexed, has been provided in the Canongate, a s burb of Edinburgh.—(*Catholic Directory ut suprà.*)

Summary of the Religious State of Scotland.

	No. of Congregations.		No. of Churches.
Established Church - - - - -	-		1023
United Associate Synod - - - -	334		
Original Burgher Associate Synod - - -	44		
Associate Synod of Original Seceders - -	33		
Relief Synod - - - - -	107		
Reformed Presbyterian Synod - - -	33		
Number of Presbyterian congregations not belonging to the Established Church - - -		551	
Scottish Episcopal Church - - - -	72		
Episcopal Chapels, not in connection with the Sc. Episc. Church - - - - - -	4		
Independents - - - - -	88		
Other religious sects, (Protestants) - -	40		
		204	
Total number of Protestant congregations, not connected with the established church - - - -			755
Majority of the Established Church - - -			268
Catholic Chapels - - - - - -			55
Majority of the Established Church over all other sects			213

But for reasons similar to those already stated (*antè*, p. 284.) the number of churchmen, as compared with dissenters, is much greater than it would appear to be from this account of the number of congregations belonging to each. Perhaps the whole number of dissenters in Scotland, including the Relief Church, may amount to from 500,000 to 520,000.

Sect. V. *Church of Ireland.*

The Church of Ireland, like that of England, is Protestant episcopal. It was, until the passing of the Irish Church Temporalties' Bill, under the control of four archbishops, one for each of the four provinces, but named from the cities of Armagh, Dublin, Cashel, and Tuam, in which the archiepiscopal sees are situated. The Archbishop of Armagh, now universally recognised as first in rank, though his right to that station was long disputed by the Archbishop of Dublin, is styled Primate and Metropolitan of all Ireland; the Archbishop of Dublin is styled Primate and Metropolitan of Ireland; the Archbishop of Cashel, Primate and Metropolitan of Munster; and the Archbishop of Tuam, Primate and Metropolitan of Connaught. The four archiepiscopal provinces are subdivided into thirty-two dioceses, which were consolidated and united under eighteen bishops. The dioceses in Armagh province are those of Armagh (held by the archbishop), Clogher, Meath, Down and Connor united, Derry, Raphoe, Kilmore, Dromore, and Ardagh united to Tuam. There are, therefore, seven bishops in this province, suffragan to the Archbishop of Armagh. The

province of Dublin is subdivided into the dioceses of Dublin and Glandelagh united, Kildare, Ossory, and Leighlin and Ferns united. The Archbishop of Dublin has therefore three suffragan bishops under him. The province of Cashel contains the dioceses of Cashel and Emly united, Limerick united with Ardfert and Aghadoe, Waterford united with Lismore, Cork united with Ross, Cloyne, and Killaloe united with Kilfenora. The number of suffragan bishops in this province is five. The province of Tuam comprehends the dioceses of Tuam, Elphin, Clonfert united with Kilmacduagh, and Killala united with Achonry. There are, therefore, three bishops in this province suffragan to the Archbishop of Tuam.

This arrangement has been considerably altered by the late act for regulating the established church of Ireland, according to the provisions of which the hierarchy is to consist of two archbishops only: those of Armagh and Dublin; the two others being reduced to the rank of bishops. The eighteen suffragan bishops are to be reduced, by the consolidation of the dioceses, to ten, five under each archbishop. The new arrangement is to be effected gradually on the demise of the several bishops whose sees are to be united to others. When completed, the ecclesiastical division of Ireland will be as follows: — Armagh province, containing the bishoprics of Meath; Derry united with Raphoe; Down united with Connor and Dromore; Kilmore united with Ardagh and Elphin; and Tuam united with Killala and Achonry: Dublin province, containing the bishoprics of Ossory, united with Leighlin and Ferns; Cashel united with Emly, Waterford, and Lismore; Cloyne united with Cork and Ross; Killaloe united with Kilfenora, Clonfert, and Kilmacduagh; and Limerick united with Ardfert and Aghadoe. The new arrangement has already taken effect with respect to the six bishoprics of Raphoe, Ossory, Waterford, Cork, Clonfert and Killala, in consequence of the demise or translation of their respective bishops.

The income of the archbishops and bishops is derived chiefly from lands let upon lease of twenty-one years, and renewed from time to time, at the original rent, on payment of a fine on renewal, fluctuating according to the altered value of land, and the period to which the renewal is to extend. The income of the whole episcopal establishment was returned to parliament as amounting to 151,128*l.*, in 1831, which will be reduced to 82,953*l.*, under the new arrangements; leaving a balance of 68,175*l.*, for the general purposes of ecclesiastical discipline and education. The management of the fund thus created is entrusted to a board of commissioners, upon whom the receipt of the incomes devolves on the lapse of the extinguished sees. The Crown has the right of nomination to all archbishoprics and bishoprics.

The ecclesiastical dignitaries subordinate to the bishops are the deans, thirty-three in number, all presentative by the Crown, except those of St. Patrick's, Dublin; and of Kildare, — who are elective by their respective chapters, — and of Clonmacnois, collative by the bishop of Meath. Twenty-six deans have cure of souls, and seven have not. The deans of St. Patrick's, Dublin; Christ Church, Dublin; St. Canice, Kilkenny; and Lismore, exercise peculiar jurisdictions, varying in each, within their respective deaneries. The dean is

considered to be the head of the ecclesiastical corporations, called chapters, being a kind of council to aid the bishop in the government of his diocese. Three dioceses—Meath, Kilmore, and Ardagh—are without chapters; in lieu of which there is a synod, consisting of all the beneficed clergymen, in which the archdeacon presides. The chapters and synods are corporate bodies, and use a common seal. The chapters are thirty in number; and though all have a general similarity of constitution, each is marked by some special peculiarity. Their component members are the precentors or chanters, originally intended to have charge over the singing men: their number is twenty-six — seventeen with cure of souls, and nine without cure: they are all appointed by their respective bishops, except the precentor of Christ Church, who is nominated by the Crown. The next members are the chancellors, who have no special duty: they are twenty-two; — fifteen having cure of souls, and seven being without cure — all appointed by the bishops, except that of Christ Church, Dublin, who is nominated by the Crown. The treasurers are also twenty-two; — sixteen with cure of souls, and six without cure: the right of appointment is the same as that of the precentors and chancellors. The archdeacons are thirty-four in number — all appointed by the bishops. There are two provosts belonging to cathedral churches; but they have no official duties, cure of souls, or spiritual jurisdiction. Besides the subordinate dignitaries now recited, the chapters have other members called prebendaries, who have no spiritual jurisdiction, but take part in the performance of divine service in the cathedrals: their number is 180. There are also in twelve of the cathedral churches certain subordinate bodies, consisting of 5 canons, 59 vicars choral, and 15 choristers, whose office is connected with the performance of the church music.

There is but one instance of a territorial exemption from episcopal jurisdiction, — the Lordship of Newry; the proprietor of which holds his spiritual court, and grants marriage licenses and probates of wills, under the seal of the religious house to which the lordship belonged before the Reformation.

The dioceses are divided into parishes which are in the spiritual charge of clergymen in full orders, called rectors and vicars. They derive their incomes chiefly from tithe; of which there are two kinds, —great and small; the former derived from corn of every kind, hay and wool; the latter from flax, hemp, garden produce, and, in some cases, potatoes; but by another and more general explanation of these terms, two thirds of the tithe of corn, hay, and wool, constitute the great tithe, and the remaining third the small tithe of a parish: the former is considered the property of the rector, the latter of the vicar. Latterly, a new order of parochial clergy has been introduced into the church, under the name of perpetual curates, who have charge of a portion of a parish specially allotted to them, the tithe of which they receive. They are not subject to the incumbent of the remaining portion of the parish, and hold their situations for life; thus differing from assistant curates, who are appointed occasionally at the will of the incumbent, from whom they receive a fixed annual salary

It appears from the late report on the Irish Church, that the number of parishes, including perpetual curacies, is 2,405, of which 2,348 have provision for the cure of souls, and 57 have not, being either wholly impropriate, or tithe free. But these are not held each by a separate incumbent. On the contrary, so many of them are combined into unions, consisting of two or more parishes, that the number of incumbents amounts only to 1,385. Of these benefices, 478 are unions, and 907 single parishes. Unions are of two kinds — permanent and temporary. A permanent union may be constituted by act of parliament, by charter, by act of council, or by prescription. The temporary unions are made by the authority of the bishop, and cease on the demise of the incumbents for whose benefit they were created. The parochial clergy derive part of their income from glebe land attached to their respective benefices. The total quantity of glebe land amounts to 91,137 acres, from which if a twentieth part be deducted as unprofitable, there will remain 86,581 acres of profitable land; which if equally apportioned among the benefices would give an average of 62 acres to each incumbent. But it is very unequally distributed, by much the greater quantity of it lying in the northern province of Armagh. Most of the glebes are furnished with manses or glebe houses, built partly by a donation of money from the board of First Fruits; partly by loan from the same source, and partly at the cost of the incumbent, repayable by instalments from his successors. In cities and towns the parochial clergy are paid, in lieu of tithe, by ministers' money, which is an assessment on every house of a certain value, estimated according to the amount of rent paid.

The incomes of the parochial clergy are subject to certain deductions. These are, first fruits, payments towards diocesan and parochial schools, repairs of certain parts of the churches, and repairs of glebe houses. The first fruits were designed to be the amount of the first year's income of every benefice, payable by the new incumbent in four annual instalments, and intended to be applied to ecclesiastical purposes, especially the building and repairing of churches and glebe houses, and the purchase of glebe land. But as the amount on each parish was rated according to assessments, made in the time of Henry VIII., Elizabeth, and James I., which have never since been altered, notwithstanding the extraordinary increase in the value of agricultural produce, the impost was little more than nominal, and has been suppressed by the late acts for regulating church property. The diocesan schools were to be maintained by annual contributions from the bishop and the beneficed clergy: the particulars are specified in the statement relative to those schools. The levy drawn from this source is also little more than nominal. The parochial schools are supposed to be maintained by an annual stipend from the incumbent, which is estimated by custom at two pounds per annum. In many cases this has not been paid. Every incumbent is bound to keep his glebe house in tenantable order; to enforce which regulation, the bishop appoints a certain number of temporary officers under the name of rural deans, whose duty it is to visit the several parishes within their respective districts, and to report to him upon the state

of the churches and of the glebe houses. The churches were heretofore kept in repair at the expense of the inhabitants of the parish. The new ecclesiastical regulations have transferred this duty to the ecclesiastical commissioners, who are authorised to appropriate to this purpose a sufficient portion of the incomes of the extinguished sees, and other revenues in their hands.

The total amount of the income of the various members of the Protestant episcopal church, during the three years ending with 1831, was returned to parliament as follows:—

	£
Archbishops and bishops	151,128
Deans and chapters	1,043
Economy estates of cathedrals	11,056
Other subordinate corporations	10,526
Dignities (not episcopal) and prebends, without cure of souls	34,482
Glebe lands	92,000
Tithes	555,000
Ministers' money	10,300
Total	865,535

There seem to be good grounds for thinking that the income of the archbishops and bishops given above is below the truth. It principally consists of the rent of lands let on lease, or rather on leases renewable by fine. The total extent of land belonging to the different sees has been returned to parliament, at about 670,000 (669,274) acres. Now we have seen, in a former part of this work (Vol. i. p. 541.), that the average rental of Ireland may be estimated at about 13*s.* 6*d.* an acre; and assuming the church estates to be only of a medium quality, which they are believed to exceed, they should, on this hypothesis, be worth 452,250*l.* a year. But supposing that, owing to the defective system under which they are occupied, they only produce 6*s.* an acre; still, even at that low rate, their gross rental would amount to 201,000*l.* At all events, it is sufficiently clear that the episcopal and glebe lands, if properly managed, would afford a revenue more than sufficient to provide for the religious instruction of the entire Protestant population of Ireland, without having recourse to the odious impost of tithes.

We also incline to think that the amount of tithe given in the above statement is considerably underrated. The reader will find in a note below a statement, given by Mr. Griffiths the engineer, to the Lords' Committee on tithe, which throws a good deal of light on this subject. It can of course, however, be regarded only as an approximation.*

* Ireland is divided into 4 archbishoprics, 23 bishoprics, 2,450 parishes; and contains 20,400,000 statute acres.

There are 1,422 beneficed clergymen; 1,539 parishes under the Composition Act, and 911 parishes not under the Composition Act.

	£	s.	d.
Gross amount of the composition for those parishes which have compounded for tithe	442,419	0	0
Average amount of the composition for tithe in those parishes which have compounded	287	9	6

SECT. VI. *Irish Dissenters, Roman Catholics, Presbyterians, &c.*

1. *The Roman Catholic Church.*—The Roman Catholic hierarchy consists of four archbishops, the same in name and provincial rank as those of the Protestant Church, and twenty-three bishops. Eight of the bishops—Ardagh, Clogher, Derry, Down and Connor, Dromore, Kilmore, Meath and Raphoe—are suffragan to Armagh. Dublin has but three suffragans—Kildare and Leighlin united, Ferns and Ossory. Six are suffragan to Cashel, namely, Ardfert and Aghadoe, usually called the bishop of Kerry, Cloyne and Ross, Cork, Killaloe, Limerick, Waterford and Lismore. Tuam has four suffragans—Achonry, Clonfert, Killalla, and Galway. The bishop of the united dioceses of Kilmacduagh and Kilfenora, is alternately suffragan to the archbishops of Tuam and Cashel. The wardenship of Galway, heretofore an exempt jurisdiction, subject only to the triennial visitation of the archbishop of Tuam, has been lately erected into a bishopric under its former archiepiscopal jurisdiction. On the death of a bishop, the clergy of the diocese elect a vicar capitular, who exercises spiritual jurisdiction during the vacancy. They also nominate one of their own body, or sometimes a stranger, as successor to the vacancy, in whose favour they postulate or petition the pope. The bishops of the province also present the names of two or three eligible persons to the pope. The new bishop is generally chosen from among this latter number. But the appointment virtually rests with the cardinals who constitute the congregation *de propaganda fide.* Their nomination is submitted to the pope, by whom it is usually confirmed. In cases of old age or infirmity, the bishop nominates a coadjutor, to discharge the episcopal duties in his stead. His recommendation is almost invariably attended to. The object of his choice is appointed and consecrated, and takes his title from some oriental diocese which he relinquishes on succeeding to the diocese in which he acts. As long as he retains the oriental title, he is styled a bishop *in partibus infidelium,* or more usually, a bishop *in partibus.* The emoluments of a bishop arise from his parish,—which is generally the best in the diocese,—

Average proportion of the composition for tithe to 1*l.* sterling in the value of the land - - -	0	1	3½
According to the best data I have been able to procure, and from my own knowledge of the value of the land of Ireland, I am of opinion that the gross annual value of the land of Ireland, rated at a moderate rent, may be about - -	12,715,578	0	0
Rating the average amount of the tithe at 1*s.* 3½*d.* in the pound sterling of the value of the land, it would appear that the gross amount of tithe of Ireland would be - -	821,214	16	7
if all the lands of Ireland were liable to tithe, which is not the case; consequently the total amount is less than that sum.			
If we take the average amount of the compositions for those parishes which have compounded, and multiply that sum by 2,450, the total number of parishes in Ireland, we shall have the sum of - - - - -	704,313	15	0

This is probably the nearest approximation to the true amount of the tithe of Ireland which our present data will admit of. (*7th February,* 1832.)

from licenses, and from the cathedraticum. Licenses are dispensations from the publication of banns in cases of marriage. They vary in amount from 5*s.* to 1*l.*, and occasionally more, according to the circumstances of the contracting parties; and as the dislike to a previous public announcement of the marriage ceremony is very prevalent, the income from this source is considerable. The cathedraticum is an annual sum varying from 2*l.* to 10*l.*, according to the value of the parish, paid by the incumbent in aid of the maintenance of the episcopal dignity.

Every diocese has a dean, appointed by the cardinal in Rome, who has the direction of ecclesiastical matters in Ireland, and is called the cardinal protector. It has also an archdeacon appointed by the bishop. Both these dignities are merely nominal, without either jurisdiction or emolument.

The incumbents of parishes are appointed solely by the bishop. If regularly collated, or in peaceable possession of the benefice for three years, they cannot be dispossessed, except for misconduct; otherwise they are removable at pleasure. A collation is a written nomination by the bishop. Coadjutors, or parish curates, are also appointed by the bishop, and removable by him at pleasure. The income of the parochial clergy arises from various sources, all voluntary. The Easter and Christmas dues consist of a certain sum paid by the head of every family in consideration of the spiritual instructions given to it. In country parishes it is generally 1*s.* at each festival, but is always expected to increase in proportion to the pecuniary circumstances of the parishioner. Marriage fees are another source of income. They are generally fixed at 10*s.* 6*d.*, but increase in proportion to the circumstances of the parties; and, in addition to this, a collection is often made by the friends of the young couple, for the benefit of the officiating clergyman. The fee for baptisms is 2*s.* 6*d.* A small sum is sometimes given for visiting the sick. Masses are paid for at rates from 2*s.* upwards. The opulent parishioners also send presents of corn, hay, and other agricultural produce to their clergyman, and generally take care that his turf shall be cut, his grain reaped, and his grass mowed, without expense to himself. Stations are half-yearly meetings at places appointed by the parish priest, where he hears confessions, administers communion, and catechises. A dinner is prepared for him in every house at which he holds a station. The customary stipend of a curate is the third part of the general receipts of the parish.

Monasteries and convents are numerous. Many of these institutions derive considerable funds from voluntary donations. The nunneries are supported partly by the sums paid by those who take the vows in them, for which from 300*l.* to 400*l.* is usually given, and partly from the annual fees or pensions paid for the education of the daughters of respectable Roman Catholics. The income derived from this latter source is very considerable.

2. *Presbyterian Church.*—The general government of the Presbyterian and other Protestant dissenting churches is modelled upon that of the church of Scotland. The spiritual affairs of every congregation are superintended by a minister, aided in matters of finance

and discipline by lay elders. The ministers of a certain number of neighbouring congregations form a presbytery, of which lay elders also constitute a part. Each presbytery is governed by a moderator chosen from the ministers of its congregations, who hold stated meetings four times a year. Representatives chosen by these presbyteries form the ruling body of the church. It is called the synod; its president being a minister chosen annually under the name of moderator. There are two principal synods in Ireland—the synod of Ulster, and the seceding synod. The synod of Ulster comprises 15 presbyteries, composed of 235 congregations, comprehending 407,115 souls. The seceding synod, so called because it withdrew from the synod of Ulster on account of differences in matters of discipline, but more properly designated the Presbyterian Synod of Ireland, comprises nine presbyteries and 126 congregations. Besides these, there are the presbytery of Antrim, which differs from the preceding bodies in essential points of doctrine, containing 10 congregations; the synod of Munster, 10 congregations; and the reformed presbytery, 20 congregations.

The incomes of the ministers are derived from the voluntary contributions of their congregations, the payment of the seats or pews in their places of worship, fees incident to marriages and baptisms, and the Regium Donum. This latter is an annual grant of public money in aid of the maintenance of the Presbyterian clergy. It was instituted by King William after his arrival in Ireland, in 1690, and was placed on a more enlarged and permanent basis about the year 1790. The payments from it are made according to a threefold classification, originally arranged according to the amount of the voluntary stipend previously enjoyed by the minister; those receiving the largest voluntary stipend being placed in the first class of the Regium Donum. In the synod of Ulster, the ministers of the first class, 65 in number, receive each a stipend of 100*l.* Irish currency, from this source. Those of the second class, 70 in number, 70*l.* Irish; and those of the third class, 100 in number, 50*l.* Irish. The payments to the seceding synod are regulated according to the same principle of classification, but at lower rates of payment; the stipends being for the three classes, containing respectively 45, 73, and 8 congregations, 70*l.*, 50*l.*, and 40*l.* of the same currency. In cases of age or infirmity, the constituted minister appoints an assistant approved of by the congregation, whom he usually pays by allowing him that part of his stipend arising from voluntary contributions, retaining to himself the Regium Donum. The total number of Presbyterian meeting houses of every description is 452.

3. *Numbers belonging to the different Sects in Ireland.*—Considering the atrocious nature of the penal laws by which the Catholics of Ireland were long oppressed, and that, notwithstanding their relaxation, they continued, down to a very recent period, to be regarded by those in authority as a degraded *caste* unworthy to fill any office of power or emolument, it might have been expected that their numbers would have been materially diminished, compared at least with the adherents of other and more favoured sects. But such has not been the case. On the contrary, the unmerited persecution to which the Catholics have been exposed seems to have attached them the

more to the faith of their ancestors; and, instead of declining, they have gained ground vastly, both in absolute numbers and in relation to others. It may be truly said of Catholicism in Ireland, —

Per damna per cædes, ab ipso
Ducit opes, animumque ferro.

According to Sir William Petty, the population of Ireland, in 1676, amounted to 1,100,000, of whom 800,000 were Catholics, and 300,000 Protestants.* The revolutionary struggle that soon after took place, and the migration of Catholics by which it was followed, and which was further promoted by the enactment of the penal laws, seem to have had a considerable effect on the proportion of Catholics. According to an official return made to Parliament in 1731, the population of Ireland was as follows: —

	Protestants.		Catholics.		Both.
Ulster - - -	360,630	700,451	158,028	1,309,768	2,011,219†
Leinster - -	203,087		447,916		
Munster - - -	115,130		482,044		
Connaught - -	21,604		221,780		

But, since this epoch, a very decided change has progressively taken place in the proportions of Catholics and Protestants. The increase of population in Ireland since 1780 has, as we have already seen (Vol. i. pp. 435, &c.), been more rapid than in either England or Scotland; and this increase having principally taken place in the country, the population of which was, in most parts, essentially Catholic, the adherents of the latter faith are, at present, to all descriptions of Protestants in the proportion of 4.2 to 1, and to the members of the established church as 7½ to 1!

These results have been deduced from the following table, drawn up by the commissioners appointed to inquire into the state of religious and other instruction in Ireland: —

Table exhibiting the Number of Members of the Established Church, and of Roman Catholics, Presbyterians, and other Protestant Dissenters respectively in each Province of Ireland, and in the whole Kingdom, in 1834.

Ireland.	Members Estab. Church.	Roman Catholics.	Presbyterians.	Other Protestant Dissenters.	Total of all sects.
Province of Armagh	517,722	1,955,123	638,073	15,823	3,126,741
Dublin	177,930	1,063,681	2,517	3,162	1,247,290
Cashel	111,813	2,220,340	966	2,454	2,335,573
Tuam	44,599	1,188,568	800	369	1,234,336
Total Population of Ireland	852,064	6,427,712	642,356	21,808	7,943,940

The statements now laid before the reader disclose the principal sources of those religious disputes by which Ireland has been so long

* Political Anatomy of Ireland, p. 114. ed. 1719.
† Newenham on the Circumstances of Ireland, Appendix, p. 18.

agitated and disgraced. She is the only European country in which the religion of a small minority of the population has been exclusively endowed and made the state religion. This preposterous arrangement subverts every principle usually alleged in defence of an establishment. Its object, as stated by Drs. Warburton and Paley, and as implied in the very nature of the thing, is to furnish religious instruction and consolation to the bulk of the population, and especially to the lower classes, many of whom may be supposed to be so poor as to be unable to furnish it for themselves. In Ireland, however, the adherents of the Established Church do not exceed *one ninth part* of the population; and this small minority consists almost entirely of the wealthier classes, who could, without difficulty, supply themselves with religious instruction. But while we have amply and, indeed, lavishly provided for the spiritual interests of the *rich* and the *few*, we have altogether neglected those of the *poor* and the *many!* We leave the clergy of the Catholics, that is, of more than five sixths of the people, without any countenance from government, to depend for support on the voluntary contributions of their flocks, consisting, for the most part, of the poorest and most depressed peasantry of any in Europe. Nor is this all. The Catholic population have not merely been left to provide themselves with religious instructors, but they have actually been compelled, down to this very moment, to pay tithes; that is, to make over a tenth part of the produce of their farms and potato gardens to the established clergy, who, at the same time, possess all the estates and glebe lands that formerly belonged to the Catholic clergy! Can we wonder, under such circumstances, at the rooted dislike and hostility evinced by the Catholic population to the Established Church? They look upon it not merely as heretical, but as the badge of the conquest of their country by England, and as being bottomed on injustice and oppression. The abolition of tithe, and the reform of the Church, might lessen the dislike to it; but the grand objection to it is one of principle. So long as it exists, it must produce a sense of degradation and of unfair treatment on the one side, and of superiority and preference on the other. A majority may submit without much reluctance to see the same privileges conferred on a minority that they enjoy; but it is a contradiction and an absurdity to imagine that a decisive majority should ever willingly submit to be deprived of privileges enjoyed by a minority. A distinction of this sort is at variance with every principle on which society is founded: and, so long as it is kept up, it must necessarily be productive of the most violent animosities.

"It is ever to be remembered, in discussing the ecclesiastical state of Ireland, that the objections of the Roman Catholics to the Established Church of that country are not of *more* or *less;* that they would not be removed by the abolition of a few bishoprics, or the paring down of a few benefices; but that they lie against its very existence, — against the principle of making a public provision in Ireland for the clergy of the small minority, so long as the clergy of the large majority is left wholly destitute of aid from public funds. No improvements in the internal economy of the Established Church, in the distribution of its revenues, or the discipline of its

clergy, tend to lessen the sense of grievance arising from this source: the objection is of *principle*, not of *degree;* and nothing short of perfect equality in the treatment of all religious sects will satisfy the persons whose discontent springs from this source. The effect of the preference in question is, that the whole body of Roman Catholics in Ireland are more or less alienated from the government, the author of their wrong, and are filled with jealousy and ill-will towards the more favoured Protestants. This feeling is the stronger, as the Roman Catholics are the most numerous sect in Ireland, and have, therefore, the better claim on the consideration of government. In England, where their number is insignificant as compared with that of the entire population, they defer to those superior claims for public support which the clergy of the Established Church are so fond of resting on — the numerical preponderance of their persuasion; but in Ireland, six and a half millions out of eight millions naturally feel that they have at least as good a right as any other sect to any endowment for ecclesiastical purposes which may be at the command of the state." *

For these and other reasons that will readily occur to the reader, we are clearly of opinion that the preferences that have hitherto existed in Ireland in religious matters should be put an end to, and that *all* denominations of Christians ought to meet with equal favour and protection from the state. Consistently, with this principle, we should either endow the Catholic as well as the Protestant clergy, or we should leave the clergy of the one and the other to depend alike on the voluntary principle. If there is to be only one endowed or favoured sect in Ireland, common sense would say that the Catholic ought to have the preference. But its adherents will be satisfied if they be put on the same footing as the most favoured of the other sects; and *this much* cannot be denied them without subverting the most obvious principles of justice and of political expediency.

The absence of religious disturbances and animosities in Prussia, the United States, and in *all* countries, in short, where the adherents of different sects enjoy an equality of privileges, and their continued prevalence in Ireland, practically demonstrate the viciousness of the policy maintained in the latter. Surely, then, it is high time that an end were made of a system productive of such results; and that that equal justice were at length dealt out to all ranks and orders of the people, which Sir John Davies, more than two centuries ago, declared to be essential to the prosperity of the island. "The Irish," said he, "will gladly continue without defection, or adhering to any other lord or king, as long as they may be protected and justly governed, without oppression on the one side, or impunity on the other; for *there is no nation of people under the sunne that doth love equal and indifferent justice better than the Irish;* or will rest better satisfied with the execution thereof, although it bee against themselves; so as they may have the protection and benefit of the law, when uppon just cause they do desire it." †

* See the valuable work of G. C. Lewis, Esq., on *Disturbances in Ireland*, p. 351. &c.

† Davies' Discoverie of the Causes why Ireland was never entirely subdued, p. 283. ed. 1747.

PART V.

MISCELLANEOUS PARTICULARS.

CHAPTER I. — Establishments for Public Education.

Sect. I. *Education in England and Wales.*

No public or general provision has ever been made in England for the education of the great bulk of the people. — All that has been accomplished in this way has been the work of benevolent individuals and associations; and it is astonishing how much has been effected within the present century by their exertions. Still, however, there is much room for improvement. The different associations act frequently on contradictory principles; and being necessarily confined to towns and populous districts, no inconsiderable portion of the children of the agricultural classes are yet either entirely without the means of school instruction, or are but very indifferently supplied with it. Supposing, however, that charity schools were as extensively introduced as national ones ought to be, and that they were furnished with equally good masters, — neither of which suppositions is of a sort likely to be realised, — still they are not without some very weighty drawbacks. Something of degradation always attaches to the idea of being educated at a school supported either wholly or in part by voluntary subscriptions. Those who send their children to such schools, and even the children themselves, cannot but feel that they are admitted to them only because they are, in some degree, paupers, indebted to the bounty of others for what they cannot obtain for themselves; and this feeling has a tendency to weaken that sense of independence, of moral dignity, and self-respect, for the want of which the best education cannot fully compensate. In other respects, too, the charity system is open to various objections. Mr. Malthus has not scrupled to say, that it is a national disgrace to England that the education of the bulk of the people should be left to Sunday and other schools, supported by the subscriptions of individuals, who may give to the course of instruction in them whatever bias they please.* We are disposed to concur, with but little qualification, in this opinion. The attention of the legislature cannot, as it appears to us, be too early or earnestly directed to this subject. It is of the utmost importance to the well-being and security of the public. The experience of Scotland, Prussia, the United States, and various other countries, is decisive as to the vast advantages to be derived from the establishment of a well contrived system of national

* Essay on Population, 5th ed. vol. iii. p. 204.

education — a system that should bring education to the door, as it were, of the poor man, and supply individuals of all classes with the means of obtaining *really good and useful* instruction at a reasonable cost.

Various charity schools for the elementary instruction of the poor were founded at different periods between 1690 and 1780; but it was not till about the latter epoch that the desultory efforts of benevolent individuals began to be systematised, and that exertions were made on a large scale, to procure for the poor the inestimable advantage of elementary instruction.

At present the primary instruction of the great mass of the population is principally supplied through,—1. Sunday-schools; 2. National schools; and 3. British and foreign schools.

1. *Sunday Schools.*—These excellent institutions, which have contributed essentially to the improvement of the lower classes, were projected by, and owe their origin to, the sagacity and active benevolence of Mr. Robert Raikes, a printer of Gloucester. Mr. Raikes established Sunday schools in Gloucester in 1781 and 1782. The plan was soon after patronised by Dr. Barrington, then Bishop of Salisbury, and by many other reverend and learned individuals. Though still capable of much extension, it has been eminently successful; and has been carried to an extent which, at the outset, no one could have anticipated. The pupils are instructed in the principles and duties of religion, and are taught to read and write; they consist of adults as well as children. The meetings are generally in the afternoon of Sunday; so that, while they supply valuable instruction to the poor, they do not encroach on their employments, but make that time be devoted to the acquisition of knowledge that would otherwise be, most probably, wasted in idleness or dissipation. According to the official returns, there were in England and Wales, in 1833, no fewer than 16,828 Sunday schools, attended by 1,548,890 children and adults; of these, 6,247 schools, attended by 750,107 children and adults, were established by dissenters.

2. *National Schools.* — Under this term is comprehended a great number of schools, both new and old, conducted under what is termed the national system. This system originated in the efforts of various district societies, in different parts of the kingdom, to apply the principles of Dr. Bell, of Madras, to the government of the existing parochial free schools. In 1811 the different district societies were incorporated as members of a central association, for the education of youth in the doctrines of the national church. This society having acquired large funds, has been able, in the course of the present century, to found a large number of additional schools, in which education is given at a slight expense to the parents; and a central school (such as on the continent is termed a Normal school) for the instruction of masters and mistresses. The schools, therefore, under the management of the National Society are of two classes: the old parochial and free schools, and those of modern foundation, consisting of daily and Sunday schools. The characteristic of the system is, the use of the church catechism, and attendance on church worship by the children. The progress of the national schools, since 1813, two years after the formation of the society, has been as follows;—1813, 230 schools, with 40,484 children; 1820, 1,614 schools,

with about 200,000 scholars; 1830, 2,609 *places*, containing 3,670 schools, with about 346,000 scholars. According to the *Annual Report* for 1835, the schools and scholars were — 3,642 *places*, containing 3,861 Sunday and daily, and 1,698 Sunday schools, with 178,740 boys, and 145,305 girls, as Sunday and daily scholars, and 93,929 boys, and 98,207 girls, as Sunday scholars only; making in all 5,559 schools, with 516,181 scholars.

The society has itself collected and expended about 120,000*l.*; and about 500,000*l.* obtained by benevolent contributions, in erecting, improving, and fitting up school-rooms, &c. — (See *Appendix B.* p. 1339, *of the Abstract of Education Returns for* 1833.)

3. *The British and Foreign School Society* was founded in 1810. It arose out of the exertions of Mr. Joseph Lancaster. It is designed to promote the education of the working classes of every sect and denomination; and to facilitate this grand object, all religious tests are excluded, and no catechism or creed is allowed to be used in any of the schools. This society maintains a considerable number of schools in all parts of the country; and has established, in the Borough, a model school, on a large scale, and an establishment for the instruction of masters. Different opinions are, of course, entertained as to the distinguishing principle on which these schools are founded; but the education they afford is favourably spoken of by good judges. Mr. Pillans of Edinburgh, an excellent authority as to such subjects, says that the instruction given in the Lancasterian shools is very superior; that "there is much more play given to the faculties, more spirit in the instruction, and a vastly greater fund of knowledge acquired," than in most other schools. — (*Report on Education*, 1834. p. 42.)

The following is a summary of the returns, as to education, obtained pursuant to an address of the House of Commons in 1833.

SUMMARY OF EDUCATION RETURNS, ENGLAND AND WALES, 1833.

The Resident Population of England and Wales in the Year 1831 amounted to 13,897,187; which Number, at the usual Rate of Increase (1½ per cent. per Annum), must have become 14,400,000 when the Education Inquiry was made and answered. At that time the Children under Instruction at Infant and other Daily Schools (being 1,275,947) were nearly 9 per cent., and the Children who attended Sunday Schools (being 1,548,890) were nearly 11 per cent. of the above Population; the Proportion of Children from Five to Fifteen Years of Age being 24 per cent. of the entire Population, as was ascertained by Enumeration in the Year 1821.

1. Infant Schools	2,985	
In which are children from 2 to 7 years of age: males	20,543	
females	31,069	
sex not specified	28,393	
Total number of children in infant schools		89,005
2. Daily Schools	35,986	
In which are children from 4 to 14 years of age: males	549,729	
females	434,810	
sex not specified	203,403	
Total number of children in daily schools		1,187,942
Total number of children under *daily instruction*		1,276,947
3. Sunday Schools	16,828	
In which are children and adults: males	634,638	
females	637,101	
sex not specified	277,151	
Total number of children and adults in Sunday schools		1,548,890

	Infant Schools.		Daily Schools.		Sunday Schools.	
	Schools.	Scholars.	Schools.	Scholars.	Schools.	Scholars.
4. Maintenance of Schools:—						
By endowment - - -	30	1,450	4,076	152,314	571	39,533
By subscription - - -	197	13,081	2,632	165,436	15,244	1,423,377
By payments from scholars - - -	2,350	40,721	26,791	691,728	101	5,718
By subscription and payment from scholars (combined) - - -	408	33,753	2,487	178,464	912	80,262
Totals - -	2,985	89,005	35,986	1,187,942	16,828	1,548,890

		Schools.	Scholars.	
5. Religious Distinction.				
Schools established by dissenters in England and Wales	Infant schools - -	58	4,535	51,822
	Daily schools - -	867	47,287	
	Sunday schools - -	6,247	750,107	

	Infant and Daily		Sunday	
	Schools.	Scholars.	Schools.	Scholars.
6. Schools established since the year 1818; or, more properly speaking, the increase of schools since the year 1818 - - -	19,645	671,243	11,285	1,123,397

Sending libraries of books detached to schools in England and Wales are 2,464.*

Free, Endowed, and Grammar Schools. — The names, free school, endowed school, grammar school, &c., are often used with some degree of confusion; but their proper meaning appears to be as follows: — A free school is, strictly, any school in which elementary instruction is afforded gratuitously (or nearly so) to the children of a particular locality, without reference to the source whence the funds are derived, whether from private subscriptions, as in many of our parochial schools, &c., or as in some corporate towns, from the general property of the corporation. Endowed schools are those of which the expenses are wholly or partly defrayed out of endowments, given or bequeathed by the munificence of a founder. Grammar schools are endowed schools, to the constitution of which the founder has annexed the condition, that classical instruction should form either the whole or a part of their discipline.

* We give these returns as we find them without, in any degree, vouching for their authenticity. We believe, indeed, that they are but little to be depended on. The statements of the numbers attending Sunday schools and national schools, are said, by Mr. Hill, to be *very greatly exaggerated.* — (*Treatise on Education,* vol. i. p. 8.). A report by a committee of the Statistical Society of Manchester, on the state of education in that town, points out some very gross errors in the official returns respecting it. "In the township of Manchester alone," say the committee, "which contains a population of 142,000, there are entirely omitted, in these returns, 1 infant school, 10 Sunday schools, and 176 day schools, which existed at the period these returns were made, and contained 10,611 scholars. False returns were made by one individual of three Sunday schools that never existed at all, and which were stated to contain 1,590 scholars; and double returns were made of three other schools, containing 375 scholars; so that the total error in these returns for the township of Manchester alone was 181 schools, and 8,646 scholars. Besides this, 8 dame schools were reported as infant schools." The committee point out some equally gross errors in the returns as to some of the places contiguous to Manchester; and we understand that these blunders are by no means confined to the returns from Lancashire.

The number of children in England and Wales, between the ages of 7 and 13 years complete, may be estimated at about 2,000,000, which, of course is the maximum number of scholars that could be at school between the ages in question. But the actual number at school falls very far short of this. Provided, however, a compulsory system of education were enforced here, as in Prussia, the number of children attending school would not differ materially from the above.

The English free and endowed schools constitute a very peculiar feature in the educational establishments of the country. They afford, perhaps, the only example at present subsisting in Europe, of an extensive, numerous, and wealthy class of national foundations for the purpose of elementary instruction, in which the hand of government has never interfered to modify, reform, or direct, or in any way to alter the original dispositions of their creators, except in a few insulated instances in which parliament or judicial tribunals have taken cognisance of cases brought before them.

Although some of these schools are of considerable antiquity, by far the greater part were founded during the century and a half following the Reformation. Some are of royal, but the great majority are of private endowment. Some, again, are open to scholars from all parts of England, or to any one nominated by the governors, &c., of the school: the greater part are local, and their benefits confined to the natives of the place in which they are situate. The endowments are, of course, extremely various in amount; but the general intention of the founder, even in the humblest of these institutions, was, that the education afforded to the boys on the foundation should be gratuitous, and the schoolmaster paid by a salary arising out of the endowment.

Those among the free and endowed schools which were constituted without any express stipulation on the part of the founder, that instruction in the dead languages should form a part of their discipline, have remained, for the most part, as charity or gratuitous schools of elementary education. They have in general fallen, by degrees, into what is termed the national system. But the fate of those numerous schools in which the boys were, by the original statutes, to be instructed in Latin, that is, of the grammar schools, has been very different. It is probable that the general disposition among charitable individuals, during the age which followed the Reformation, to devote their liberality to the endowment of schools, was owing to the deficiency of education felt after the suppression of the monasteries and the chantries, which were of considerable service in the instruction of the lower classes. But, before the Reformation, the number of clergy, both regular and secular, was very large. Latin was a language in ordinary use for the purposes of the church; and those who recruited its ranks were taken, not from the superior classes only, but from the mass of the population. Hence the extraordinary number of students who thronged the universities in the fourteenth and fifteenth centuries: and hence, also, elementary instruction in Latin was not thought misapplied when bestowed on the humblest youth of the kingdom. By the Reformation the use of Latin in the churches was indeed abolished; but that event happened in a scholastic age, when ancient learning was still regarded as the fundamental groundwork of all knowledge. Hence the benevolent founders of our endowed schools did not scruple in requiring that instruction in the dead languages, or at least in Latin, should be communicated in their institutions, even when open to and intended for the poorest of their townsmen and fellow-parishioners. The equalising spirit of the Roman Catholic church, under which the

lowest as well as the highest were reckoned alike fit for ecclesiastical employments, had not yet become effaced in the national mind.

In process of time, however, the taste for scholastic instruction in the dead languages gradually diminished; and the fortunes of the endowed grammar schools underwent considerable vicissitudes. Those which were situated in populous and wealthy towns continued in general to maintain their importance: many, also, were preserved in consequence of their connection with the universities, and the benefits which they held out to youths proceeding thither (out of nearly 500 free and endowed schools, described by Mr. Carlisle, in his work on these institutions, about 150 have advantages annexed to them in the way of fellowships, scholarships, or exhibitions). But a great number of those situated in poorer places, being hampered by the peculiarity of their original statutes, which causes them to proffer a species of instruction for which there are no longer any candidates, have sunk into decay. The endowments, however, still remain; and the presentation to the masterships being frequently vested by the founders' statutes in corporations, colleges, or close bodies of governors, they have, in many instances, degenerated into sinecure offices.

Of those grammar schools which have survived as extensive and frequented seminaries, several have acquired, in ordinary language, the character of public schools. This, however, is a term of very arbitrary application. Sometimes all the larger class of grammar schools, established in considerable towns, or otherwise numerously frequented, connected with the universities by endowment, and affording preparatory instruction for them, are classed together, in ordinary language, as public schools. More commonly, however, that title is restricted to a few schools which have acquired it by prescriptive usage. These are, principally, those large establishments frequented by the youth of the higher classes; together with a few of a character not equally aristocratical, but which have a peculiar claim to consideration from the great number of boys instructed in them, and the munificent scale of their foundation. They may be ranked in three classes. 1. The three great collegiate schools, two of which are of royal foundation, and one of private endowment, which custom has placed on an equal footing with them: Eton, Westminster, Winchester. 2. The great metropolitan schools: Charterhouse, St. Paul's, Merchant Taylors', Christ's Hospital. 3. A select number of grammar schools, varying according to circumstances, in which the foundation is unimportant, but which have acquired, either by a species of prescription or from the talents and popularity of individual masters, a character as preparatory schools for the universities, and are much resorted to by the wealthier classes.

Eton College, although not absolutely the oldest in point of the date of its foundation, deserves on many accounts the first mention in an account of English scholastic institutions. Not only has it been for a long period the most frequented and celebrated of our public schools, but the mode of instruction pursued at Eton, the grammars and other books used there, and its internal regulations, have been followed and borrowed by a large proportion both of the public and private classical schools of the country. It is in fact the model-school

for most institutions of a similar kind; and, until the present time, it has undergone less variation in the quality and character of the instruction which it professes to give than almost any other. By entering somewhat minutely into the details of its constitution, we are enabled to form a pretty correct idea of the English system of classical education, as pursued, with only a very gradual change, ever since the Reformation.

Eton College was founded by King Henry VI. in 1440, by the name of the College of the Blessed Virgin Mary beside Windsor. The parish church of Eton, then a small village adjoining Windsor, was pulled down, and a new church erected, to be both parochial and collegiate. The chapel was founded in 1441, in which year also the second charter of foundation was granted; the third and final in 1442: the statutes were completed in 1446. The body thus constituted consisted of a provost; ten fellows (although that number was not in fact completed); a master of the school; ten chaplains; an usher; ten clerks; seventy scholars; sixteen choristers, and ten almsmen or beadsmen. The numbers of some of these were however reduced in process of time: there are now seven fellows, two chaplains, two lay-clerks, ten choristers, and two masters, on the foundation: the assistant masters of the school not being necessarily connected with it.

This royal foundation, in its early progress, met with much opposition, and suffered some spoliation from succeeding kings, especially Edward IV. From the reign of Henry VIII. its history has been one of continued prosperity. The present collegiate edifice was erected at various periods: it contains, in two quadrangles, the chapel, the two schools, upper and lower, the masters' chambers, the provost's lodge, the private residences of the fellows, and the library.

The provost of Eton is appointed by the Crown. The fellows fill up any vacancy among themselves by election. They may marry; and their residence, together with a considerable income, is found by the college: they are, however, entirely unconnected with its duties as a place of education. The master and lower master are elected by the provost and fellows. The eight assistant masters are appointed by the head master, with the approbation of the provost. They have been for many years usually selected from among the fellows of King's College, Cambridge; but this restriction has of late been occasionally dispensed with.

The seventy scholars, or, as they are termed, in consequence of the wish of George III., King's scholars, are eligible from eight years of age to fifteen. The statutable qualification is, that they should be "poor and indigent,"—words which of course receive a very general interpretation, although, in point of fact, the boys admitted in the foundation are for the most part children of less wealthy parents than the independent members of the school. The appointment is eagerly sought on account of the pecuniary advantages attending it. Preference is, by the statutes, to be given to boys of those parishes in England and Wales where Eton has estates, and next, to those born in Buckingham and Cambridge shires. The foundation was, originally, entirely with a view to the instruction of youth for holy orders; and

we find it consequently provided, that no one so maimed in his limbs as to be under the canonical impediment as to entering orders, can be admitted on the foundation. Scholars on the foundation are lodged (in the great dormitories of the school) and boarded by the establishment. By statute, their education should also be entirely gratuitous; but on this head some innovation has taken place. It was stated before a committee of the House of Commons, that the charge to the parent of educating a scholar at Eton, including an average estimate of travelling expenses, backwards and forwards, might amount to 60*l.* per annum. The total expenses of a boy educated at Eton as an *oppidan* may perhaps average from 150*l.* to 200*l.* per annum in the upper part of the school.

The election of scholars at Eton takes place on the last Monday in July every year. The electors are the provosts of Eton and King's College, the vice-provost of Eton, the master of Eton, and two masters of arts (called posers) of King's college. These functionaries divide the appointments among themselves. The usual number admitted on what is termed the Indenture, at each election, is twenty-four: they are then admitted on vacancies occurring; at the same time, twelve of the head boys among the scholars are placed on the roll for King's college, to fill up such vacancies as may occur in it. Failing King's, collegians are superannuated at nineteen (or eighteen, if they attain that age without being placed on the roll for King's college). Of this last foundation some account will be given under the head of the university of Cambridge.

The King's scholars at Eton are subjected, with regard to their discipline and management, to the peculiar and strict regulations of the foundation; but in respect of the education which they obtain, they are in all respects exactly upon the same footing with the oppidans or independent scholars, who are not upon the foundation. The two classes of boys are confronted together in the ranks (or forms as they are termed) of the school, and enter into competition together at the examinations. There has, however, always been, as may be supposed, a certain feeling of pride, on the part of the wealthier class, which co-operates with the exclusive discipline of the college, to prevent them from associating much together out of school. It is not very easy to ascertain at what time the practice of admitting independent scholars to partake of the education furnished by the masters of the college first began: it was perhaps coeval with the establishment itself, and parts of the statutes have been supposed to refer to it. The number of boys at Eton of both classes, under the late head master Dr. Keate, at one time exceeded 600.

The oppidans board either in the houses of the lower master or assistants: or, at a somewhat lower charge, in the boarding-houses attached to the school; some few, chiefly of noble birth, in private lodgings, under the care of private tutors. In any case, however, each is placed by his relatives under the care of the lower or some one of the assistant masters as his tutor. The head master receives annually, from each, six guineas a year; the tutor ten: the board, with its attendant expenses, in a boarding-house, is usually estimated at fifty. It has been also for a long time the custom at Eton for each

oppidan, on leaving school, to present the head master with a fee, which varies according to the circumstances or inclination of the individual, but is seldom less than 10*l.*

The classification of boys, according to proficiency, in forms and removes, at Eton, (which, with some variations, has been pretty generally adopted elsewhere,) comprehends both oppidans and collegers without distinction.

The lower school consists (besides one or two still lower classes for very young boys, of whom there are seldom many) of the third and fourth forms, each consisting of three subdivisions or removes. Each remove continues two quarters (that is, two thirds of a year) in its place: so that promotion takes place three times in two years. In each of these forms, therefore, a boy remains two years. Above these is a form, called by the particular name of the remove, consisting of two similar divisions, upper and lower. These forms constitute the lower school. An examination takes place in each remove, when the boys composing it pass from one form into another; after which they are classified according to their distinction in that examination; so that in going through the lower school, beginning in the third form, a boy undergoes three such examinations. From entering the lowest remove of the third form, to passing into the upper school, a period of three years and a third is consumed. But as boys of various ages come to Eton, they are placed at the bottom of whatever remove in the lower school they may seem fit for by their previous acquirements and age. Each of these three forms is under the control of a separate assistant master. All the boys in the lower school are, by the constitution of Eton, *fags;* which implies, in the first place, that every boy of the upper school, being by usage entitled to a fag of his own, has one of them lodging in his own boarding-house, assigned to him as his peculiar servant; and in the next place, that the whole under school are collectively fags to the whole upper: so that one of the latter meeting one of the former, has a right to command his services, unless he be on an errand for his own individual master or some other. But it is almost unnecessary to add, that the supposed severity and degradation of fagging are in general greatly exaggerated.

On leaving the remove, the last examination takes place, and the boy passes into the fifth form, which constitutes the lower division of the upper school. The fifth form has two removes; but from the upper of these two, the boy passes into the sixth or highest form merely by seniority, as soon as there is a vacancy: the whole number of the sixth form being limited to twenty-two. Of these, the ten highest are styled monitors, and act in some measure as assistants to the masters, having a certain jurisdiction in enforcing the minor discipline of the school. The head of the whole school, who of course arrives at his post merely by seniority, is styled captain: he is almost always a colleger, as oppidans rarely or never stay at Eton long enough to arrive at this position. The upper school is under the immediate control of the head master; and all the boys composing it go through the same course of lessons at the same time. The arrangements of Eton with respect to school-hours are nearly as follows:—Three days in the week are whole school-days; two half, and one whole holiday,

besides such as are occasional; but a saint's day, when it occurs, is only substituted for the ordinary whole holiday. On a whole school-day, there are four school-times; on a half holiday, two. These school-times vary from an hour and a half to three quarters of an hour in length, the longest being the earliest. This first school-time is in general, and in most forms, devoted to the repetition of tasks learnt by heart; the others, to the reading of passages in Greek and Latin authors. These readings are thus managed:—the whole remove, or the whole form, having a particular portion of an author to prepare beforehand, are expected to be ready for it in school: when the master "calls up" a certain number, taken at hazard, with each of whom he construes a part of it, until school-time be over. But the task of preparation for these readings, which of course occupies the greatest part of the time devoted to education, is performed, not in school, but in private; that is, in general, by the upper boys in their private rooms, or "studies," with the occasional assistance of their public tutors; by the lower boys, in the "pupil-rooms" of their tutors, and under their eye.

The amount of classical works actually read through in the course of school business is very small. Even in the upper school, Homer's Iliad, Virgil's Æneid, and Horace, are the only books which it is customary to read through by fixed portions: and these are so small (thirty or forty lines in general) that it takes a very long time to get regularly through them. In reading them, the boy is required to attain a correct grammatical knowledge of construction, and of historical and mythological subjects, by their perusal. The well-known Eton Latin and Greek Grammars form the bases of the grammatical instruction of the school: these are learnt by heart, chiefly in the lower school; and boys also are expected to be able to repeat and apply their rules, when called upon, on the occasion of a passage from the author whom they are reading. Other classical works are read only in volumes of extracts taken from a few of the Greek and Latin poets and prose writers; mostly compiled for the use of Eton school in particular. A play of some Greek tragic author is also usually in the course of reading by the upper school.

But in almost every part of the school, and more especially as the boy advances towards the highest, his powers are especially directed towards classical composition. A certain number of exercises, as they are termed, are expected every week from each boy, unless in the event of one of those occasional festivals, which are termed whole holidays without exercise, on which one is excused. These exercises, in the upper school, consist of Latin themes, that is, prose compositions, generally on moral subjects; translations into English from classical writers; Latin verses, lyrical, heroic, and elegiac; and, occasionally, Greek verses and themes. A certain length of exercise is required; but boys are allowed and stimulated to exceed that amount; and when the exercises (after being revised by the public tutor) are sent in to the master, he selects a few of the best, which are publicly read in school, and for which certain rewards are given. As the actual work done in school is about the same for all the upper school, that is, for boys varying in age from fourteen to nineteen, it may be

supposed that by far the greatest share of labour, by the most advanced and industrious boys, is bestowed on composition; and hence arises the merited celebrity of Eton in this branch of classical attainment.

Little attention was paid at Eton, until lately, to religious instruction: it is, however, now considerably increased. The Duke of Newcastle, a few years ago, founded scholarships both in classics and divinity for boys proceeding to the universities: there are usually about thirty candidates for the latter, and very fair proficiency is shown.

With respect to the habits of life, and domestic government of boys at Eton, a material difference subsists between collegers and oppidans. The former attend prayers at their chapel every evening, and are then confined to their several dormitories, of which the greatest (the Long Chamber) holds thirty boys: the latter lodging either with private tutors, masters, or boarding-house keepers, have each in general his private apartment. The collegers have their meals together at stated hours and by statutable regulation. In the houses occupied by oppidans, it is usual that all the inmates should assemble at dinner: the other meals are taken by the lower boys together, but by the upper boys in their own private rooms, finding, as it is termed, their commons for themselves. All the boys attend chapel twice on Sundays, once on saints' days and holidays.

Such is a brief review of the scholastic system of Eton; from which it will be observed, that the course of instruction is almost wholly classical. Mathematics form also a part, but a very small one, of the discipline of the school. There are masters in French, writing, arithmetic, &c.; but they are wholly unconnected with the school, except so far as that the boys are permitted to attend them at extra hours, at the wish of their parents.

With regard to the remaining public schools of England, those which are possessed of ancient and considerable endowments have been, in general, governed by regulations of their own, and not framed on the Eton model. All, however, possess more or less of general resemblance to it. But those which have been raised to the rank of public schools, from mere common charter or free schools, in modern times, have in general formed their discipline and government after the fashion of that of Eton, and employed the same school books; unless where some innovations have been made in later times. To the former class belong Winchester, Westminster, and the great metropolitan schools: to the latter, Harrow, Rugby, Shrewsbury, &c.

Winchester College is the most ancient of the English public schools: it has also preserved, partly in consequence of that circumstance, many peculiarities of feature and constitution, in which it differs from Eton and the great majority of schools formed on its model. It was founded by William of Wykeham, Bishop of Winchester, in 1382, at the same time with his other splendid establishment, New College, Oxford, described under the head of that university. The foundation consisted of a warden, a school-master, and usher, ten fellows, seventy scholars to be instructed in

grammatical learning, three chaplains, three clerks, and sixteen choristers. The fellows at Winchester, as at Eton, have residences provided for them; but are unconnected with the business of the school.

The seventy scholars are admissible from eight to seventeen years of age. There are usually about 200 boys in all, including those not on the foundation. Vacancies are filled up at the election in July, both for Winchester and New College, Oxford, much in the same manner as that already described with respect to Eton and King's. Two rolls are made: that for New College consists of two founders' kin, elected on examination: they are not superannuated until twenty-four years of age. The remainder of the roll is filled up from the best qualified of the upper boys of the school, elected on examination, with a preference for some (called superannuates) between eighteen and nineteen, who leave the school immediately after election. These are sent to New College as vacancies occur. The roll for Winchester is made up, first, of two founders' kin; and, next, of boys nominated in turn by six electors: the wardens of New College and Winchester, the two posers from New College, the subwarden of Winchester, and the head-master.

Boys on the foundation are provided with board and lodging within the walls of the college. The remainder are lodged under the immediate care of the head master, in a pile of buildings contiguous to his house, and forming part of the college.

The scholars are liable only to annual payments amounting to about 20*l.* a year, besides their travelling expenses, &c.

Westminster College, the second great scholastic establishment of royal foundation, was established by Queen Elizabeth in 1560; but it only replaced a school of great antiquity and celebrity, which had been attached to the ancient abbey.

Westminster College is not, like the other great schools, endowed with lands and estates of its own. But the revenues of the collegiate church of Westminster are charged with the support of two masters and forty scholars (called king's scholars). The scholars are lodged and boarded (with the exception of breakfast) in the dormitory and hall of the school: they wear a gown, cap, and college waistcoat. The number of independent scholars (town boys) varies according to circumstances: some are boarders; others day boarders, lodging at home. With respect to expenses of education, both classes of boys are on the same footing; and instead of the distinction between them which is observable at Eton, the scholars, being elected from the school at large, for merit, form a superior class within it. At the end of the fourth year, eight or nine of the senior boys on the foundation are elected off, according to the vacancies occurring, to Christ-church, Oxford, and Trinity College, Cambridge (see Oxford and Cambridge). The election for scholars is after an examination of a very peculiar character, in which the boys hold disputations with each other, *vivâ voce*, in Latin and Greek (termed challenges), and take places according to their success. There are eight elected out of twenty, thirty, or forty candidates, of the lower forms of the school, boys not being admitted into college after the age of fourteen. The number of boys in

the school varies according to circumstances: of late years it has been comparatively very small, little exceeding 100. The Westminster holidays, differing from those of most public schools, are at Christmas, Whitsuntide, and in the month of August.

The principal metropolitan endowed schools, not collegiate, are — 1. *The Charterhouse.* — This foundation stands on ground within the city of London, originally part of the estates of the Knights Hospitallers: afterwards, the site of a Carthusian convent founded there in 1361: and its name is derived from a corruption of the French appellation (Chartreux) of the religious. After the suppression of the monasteries, this estate passed through several hands, and was finally sold by the Earl of Suffolk to Thomas Sutton, Esq., citizen and girdler, in 1611; who founded on it the hospital and school of the Charterhouse, with large endowments, the gross rental of which, in 1815, was not less than 22,000*l.* per annum. Among the governors are generally some of the highest personages in the country; and vacancies in their number are filled up by a majority of their voices. The boys on the foundation are of two classes — pensioners and scholars; both nominated in rotation by the governors. The number of pensioners fluctuates: that of scholars is limited to forty-two; the former are fed and lodged at the expense of the schools, and have a pension of 20*l.* per annum: the scholars are forty-two, who are educated almost wholly at the expense of the establishment. By its statutes, none can be admitted under the age of ten, nor above fourteen. The course of classical study in the Charterhouse is nearly similar to that pursued by other public schools; but it possesses a Latin Grammar of its own. The exhibitions to the universities do not appear to be specifically limited in point of number: boys are elected to them by the board of governors, on examination: they have their option, both as to college and university; and are allowed 80*l.* a year for the first four years, and 100*l.* for the four following, if they graduate regularly. There are also some additional exhibitions to particular colleges at Oxford, given by the will of a benefactor. The boys not on the foundation are boarded by the under-masters: their number fluctuates according to the causes which control those of other public schools, but has been of late comparatively low.

2. *St. Paul's School* was founded in 1509, by John Colet, dean of St. Paul's; who conveyed for that purpose his estates in the city of London to the Mercer's Company, whom he constituted governors of the school. He drew up, with his own hand, rules for its government; which are curious, from the mixture of an enlightened generous liberality, which did not often accompany the charitable spirit of the age, with a quaintness peculiar to it. Thus, while instead of adopting the local restrictions usual among his contemporaries, he directs that in his school shall be taught "Children of all nations and countries indifferently," he limits their number to 153, in allusion to that of the fishes caught by St. Peter. It deserves to be mentioned, that Erasmus wrote one of his works, at Dean Colet's desire, for the use of this school. This is a free, and strictly a classical, school. Scholars are admitted up to the age of fifteen. The appointment of scholars rests with the Mercers' Company. The school possesses, from a benefac-

tion of Lord Camden, who, was educated in it, eight exhibitions to Trinity College, Cambridge of 100*l.* per annum each, and an indefinite number of unrestricted exhibitions of 50*l.* per annum each, beside some other advantages: the exhibitions are chosen by the court of wardens of the Mercers' Company. The gross average income of the school from land was stated, some years ago, at 5,300*l.*, with the interest of 26,000*l.* stock in the funds. The school has a head-master, sur-master, under-master, and assistant master.

3. *Merchant Tailors' School* was founded in 1561 by Sir Thomas White, and endowed by him and other members of the Company. It has a principal and three under masters. The number of boys is limited to 250, who are presented in rotation by members of the Company's court. This school has forty-three fellowships at Oxford (of which thirty-seven are at St. John's), and seven at Cambridge; besides numerous scholarships and exhibitions. Mathematics have been recently introduced as part of the education of the boys in the two upper forms.

4. *Christ's Hospital* was founded by Edward VI. in 1552. This celebrated establishment is chiefly for the instruction of boys of the lower classes, who are clothed, fed, and educated in it. The circumstance of the well-known school garb, and other particulars of the discipline, render it little frequented, except by those to whom the advantages of an education, almost gratuitous, supersede other considerations. There are generally from 1,000 to 1,400 boys on this foundation. The lord mayor and corporation of London are *ex officio* governors, and there are in all more than 350 others. The income of this foundation is said to amount to about 45,000*l.* per annum. It is not very richly provided with scholarships and exhibitions at the universities.

Of the remaining schools of the kingdom usually considered as public, *Harrow* is reputed to claim the first rank: although poor in point of endowment, being, in fact, only a common grammar-school, which, by a concurrence of circumstances, has become an established place of education for the wealthier classes. The free grammar-school of Harrow was founded in 1571 by John Lyon, a yeoman of the parish; who conveyed property to six trustees (styled governors) for the endowment of a schoolmaster and an usher; the gratuitous instruction of the children of the parish; and for the endowment of four poor scholarships or exhibitioners for the two universities. He gave, however, permission that the schoolmaster might receive *foreigners* in addition to the youth of the parish, and take such stipends of them as he could get. By degrees, which it would be now impossible to trace, the little parish school rose into a fashionable place of education; and the only parishioners who took advantage of it were such as, from station in society, could place their children on a footing with the "foreigners." The inhabitants of the parish endeavoured, in 1809, to reform the constitution of the school for their own benefit, by appeal to the Court of Chancery; but judgment was pronounced in favour of the present system.

The governors of Harrow are, according to the statutes, to be six of the noblemen and gentlemen who reside in the parish; but a

liberal interpretation has been put on the condition of residence. They appoint the head-master and under-master: the number of assistants is limited by the head-master himself; they are at present three. The school has, since its foundation, been endowed with four scholarships by the governor and private benefactors; but has no other university advantages. The boys of the foundation board at home, and are exempt from the payment of school fees: their number is always small. The remainder board either with the master, or at private boarding-houses; each being under the tutorship of a master, according to the selection of his relatives. The number in a school possessing no foundation of consequence, varies, of course, with the popularity of the master: it has of late averaged about 200. The system of education at Harrow, both in points of form and discipline, and in more substantial matters, has always been closely modelled on that of Eton; which Harrow has at different times since its foundation rivalled in public opinion among the higher classes. The only material difference in respect of discipline is, that fagging is confined to boys below the fourth form; of whom there are usually only a very small number. He who from circumstances is so situated as to have a fag of his own, is therefore a highly privileged individual.

In respect of the instruction communicated at Harrow, some important innovations on the old scholastic system have been made of late years, under the superintendance of the late head-master, Dr. Longley; both in classical learning, by the introduction of books of extracts from good authors, exclusively for the use of the school, and in other respects, by some additional attention to mathematical study, to geography and modern history: and an increased instruction in divinity. The age of boys at Harrow is nearly the same with that of the oppidans at Eton: the majority do not come to the school until after twelve, and do not remain much later than seventeen.

Rugby School, in Warwickshire, was founded by Lawrence Sheriffe, citizen and grocer of London, in 1567. Its high character as a public place of education commenced after its regulation by a private Act of Parliament in 1777. Like Harrow, it combines gratuitous instruction for the boys of Rugby and its neighbourhood (who are considered as on the foundation), with the education of a considerable number of boys, varying from 300 to 400, from all parts of the country, at their own expense. The head-master keeps a boarding-house: there are also private boarding-houses. By the statutes no boy can be admitted after fifteen, or remain after nineteen; but the age at which they enter, and the duration of their stay at school, are much the same as at Eton and Harrow. There are, at present, seven assistant masters, and an assistant tutor. The vacations are only two — at Christmas and Midsummer. Rugby has fourteen valuable exhibitions at either university, but no other patronage.

Considerable alterations have been introduced by the present head-master into the discipline of Rugby school, and into the course of education pursued there: some account of them will be found in one of the early volumes of the *Quarterly Journal of Education*. The acquisition of modern languages, and the study of modern history, have been rendered essential parts of the instruction of the school;

which has in other respects been rendered more comprehensive in its character.

The free-schools at Reading, Repton, Manchester, and Shrewsbury, are also enumerated among public schools, in the latest accounts of those establishments. In ordinary language, however, they are not so designated, except perhaps the last. There is, in fact, no distinction, except that of usage; which has elevated Rugby and Harrow, although unendowed to any great amount, to the character of public schools, and by which, from time to time, others also are so designated, according as the talents and popularity of the head-master, or other adventitious circumstances, have made them places of resort for the completion of the scholastic education of children of the higher orders, and their preparation for the universities. This is especially the case at the present time with Shrewsbury, which for several years past, under the superintendence of the late able master Dr. Butler, has been generally ranked among the public schools of the country. This school is also rich in scholarships and exhibitions. The number of boys is from 200 to 300. Of late years it has been celebrated for the proficiency in classical scholarship, particularly in Greek and Latin composition, and in grammatical learning, which has been attained by its students; who have carried away a very unusual proportion of the prizes and other classical honours awarded at the two universities.

Income of Endowed Schools.—The total number of endowed schools in England and Wales is very great, and the revenue at their disposal much larger than is generally imagined. We believe, indeed, that if the property set apart by the benevolence of private individuals, for the purpose of providing for education in England and Wales, were judiciously and economically administered, it would go far to furnish ample funds, not only for the support of the existing schools, but to defray the cost of a proper system of national instruction. According to the Second Digest of the Reports of the Commissioners, drawn up in 1835, the sums appropriated for the purpose of education in endowed and unendowed schools, in the under-mentioned counties, were as follows (*see next page*):—

It appears from this table, that, under the present defective and slovenly management, the income of endowed schools in these counties, exclusive of the sum appropriated to that purpose by the chartered companies of the metropolis, amounts to 180,309*l.* a year, and the income of the unendowed schools to 16,938*l.* a year. But nine of the most opulent English counties, including Cheshire, Essex, Kent, and Lincoln, are omitted in the above abstract, not having been inquired into by the Commissioners when it was published. And allowing for this deficiency, and supposing that the estates and other property appropriated to educational purposes were reasonably well managed, we believe we shall be within the mark if we lay it down that a free income of from 400,000*l.* to 450,000*l.* a year is at present partly, and should be entirely, devoted in England and Wales to the support of school education!

But exclusive of this, it is seen from the following table that a large mass of property, amounting, perhaps, if properly managed, in Eng-

County or City.	Income of Endowed Schools.	For Education, not in Endowed Schools.	Total for Education.	Income for other Purposes.	Total.
	£	£	£	£	£
Bedford	1,626	214	1,841	11,836	13,677
Buckingham	1,413	169	1,583	9,815	11,399
Cumberland	1,802	85	1,888	1,388	3,277
Derby	3,547	127	3,675	8,821	12,496
Devon	5,755	785	6,540	21,853	28,394
Durham	1,783	80	1,863	15,261	17,124
Gloucester	4,510	874	5,385	14,072	19,457
Hertford	2,501	363	2,865	9,345	12,211
Huntingdon	854	172	1,026	2,706	3,732
Lancaster	18,455	259	18,715	17,011	35,726
Monmouth	1,919	13	1,933	2,950	4,883
Norfolk	5,703	538	6,242	30,943	37,186
Northampton	3,207	687	3,895	14,105	18,000
Northumberland	2,478	40	2,518	3,129	5,648
Nottingham	2,687	224	2,912	13,289	16,202
Oxford	1,621	118	1,740	11,349	13,090
Rutland	1,290	197	1,487	3,295	4,783
Salop	6,231	197	6,428	13,594	20,024
Bristol and Somerset	7,581	574	8,156	26,757	34,913
Southampton	2,730	623	3,353	7,118	10,472
Stafford	6,693	440	7,133	12,032	19,165
Suffolk	2,972	1,018	3,991	23,126	27,117
Surrey	5,547	1,049	6,597	28,742	35,339
Coventry and Warwick	11,856	660	12,516	27,614	40,131
Westmoreland	1,952	220	2,172	2,973	5,145
Wilts	1,727	367	2,094	14,527	16,622
Worcester	7,375	291	7,666	9,587	17,254
York	18,678	2,453	21,133	60,351	81,483
North Wales, Anglesey	506	29	535	860	1,395
— Caernarvon	871	66	937	1,281	2,219
— Merioneth	267	55	323	516	840
South Wales, Cardigan	294	12	306	64	370
— Carmarthen	370	41	411	673	1,085
— Pembroke	412	38	451	1,332	1,783
Berks	4,140	626	4,766	1,234	6,001
Kent	6,559	918	7,478	2,162	9,640
Sussex	3,383	401	3,784	726	4,510
London,—chartered companies	*	- -	- -	- -	50,393
— parochial charities	13,080	292	13,372	21,148	34,520
Westminster	4,600	519	5,119	6,730	11,849
Middlesex	11,313	778	12,091	21,103	33,195
General charities	- -	310	310	16,097	16,407
Grand totals	180,309	16,938	197,248	491,536	748,178

land and Wales, to not less than 1,000,000*l.* a year, is appropriated to other charitable purposes, the utility of many of which, though undisputed when the grants were made, has now become exceedingly doubtful. We admit the difficulties that stand in the way of legislative interference in such cases, but they are not insuperable; and it appears to be at variance with every principle on which society is founded, to continue to lay out property on institutions or for objects that have been ascertained to be either injurious or of little utility, when it might be employed to promote objects of undoubted national importance. The subject of endowments ought to be carefully sifted. The regulations of the founders should be respected only so long as they conduce to, or, at all events, are not opposed to, the public interest. Whenever they come into conflict with the latter, they certainly ought to be modified, and made to harmonise with what it may reasonably be presumed would have been, could he have foreseen the results, the conduct of the founder. By cau-

* It has been found impossible to distinguish, with any degree of accuracy, the income of charities under the chartered companies of London applicable to education, and to other purposes.

tiously acting on this principle, we have little doubt that a free revenue might be obtained, without injury to any useful purpose, for educational objects, in England and Wales, of from 750,000*l.* to 800,000*l.* a year.

Universities. — The universities of England, like those of most continental countries, were originally framed on the model of that of Paris, the most ancient and most celebrated of them all. At how early a period schools and places of education of general resort may have existed in Oxford and Cambridge, is a question which it is wholly impossible to answer; nor has much light been thrown on the subject by the antiquaries of the two universities, although in the seventeenth century they carried on a vehement controversy as to their respective antiquity. It was, however, in the course of the thirteenth century, that these institutions, whatever they were, assumed the regular form of universities on the Parisian model; many scholars from the French university having been invited over to Oxford by Henry III., who, it is extremely probable, introduced with them the customs and form of their own academy.

The universities of the middle ages recognised, uniformly, four branches of education: — namely, that of arts, which was in some degree preparatory to the rest; and the three faculties more strictly so called of theology, law, and medicine. The great function of the institutions was the giving instruction and conferring degrees or certificates of proficiency in these several faculties. These degrees were attained by attendance for a certain number of years on the studies of the place. The degrees were called by various titles, and subject to various regulations in different universities; but, in general, there were two in each faculty, — one inferior and one superior; as the degrees of bachelor and master in the faculty of arts, &c. The bachelor or inferior graduate was bound to read a course of lectures under the master or superior; and every master was not only empowered, but required, publicly to teach some of the subjects pertaining to his faculty. Thus the masters were the recognised public teachers of the university; but the inconvenience of so great a number of graduates lecturing was soon felt, and consequently the distinction was introduced between regent, or lecturing masters, in the public schools of the university, and non-regents, who did not lecture. The former constituted the body of the university, in some places entirely, and in others chiefly, for purposes of legislation. Thus, in Oxford, the regents, tutors, or masters formed the House of Congregation, in which all measures of government originated before they passed to the House of Convocation, in which all full graduates had a vote. This distinction of regent and non-regent was, however, early obliterated in the English universities, except only in the faculty of Arts. This faculty, in the scholastic system of the middle ages, consisted of seven arts: — three principal, namely, grammar, rhetoric, and logic; — four subordinate, — arithmetic, music, geometry, and astronomy. Hence, at different times, degrees were conferred in one or other of the arts instead of the whole faculty, — an irregular praecite, of which a vestige still exists in the degrees of music, conferred by the university of Oxford. Originally, the students at Oxford and

Cambridge, as in foreign universities, merely frequented the town for the purpose of attending the public schools, which were the only buildings appropriated to academic purposes, and they lived as suited their own convenience. Afterwards, in order to insure a somewhat stricter discipline, the system of halls or hostelries was introduced. These were properly boarding-houses, to which the students were admitted: they elected, from among themselves, their principal or rector, who was approved by the chief authority of the university. Many, however, still continued to find private lodgings for themselves, even at the time when the system of halls was in full operation. At the beginning of the fourteenth century, there were upwards of 300 of these halls in Oxford; after which period both the number of halls and of students rapidly declined: in Cambridge, they were also numerous, although less so. In that university, different halls were appropriated to the reception of students in different faculties, as was probably also the case in Oxford. Colleges were of later institution. They were, in their origin, foundations for the benefit of poor students, raised by the munificence of private individuals. In these foundations, a certain number of youths were admitted as scholars, who had lodging provided them, and a provision toward their maintenance, in order to enable them to enjoy the benefit, in which all participated alike, of the nearly gratuitous instruction of the university: a certain number, generally of graduates, as fellows receiving a higher provision; and a head of the institution, called by the various names of principal, rector, master, warden, dean, &c. These colleges were appropriated, according to the caprice of the founder, to the natives of particular districts, students of particular schools, &c. Finally, a university, under the ancient system, was completed by the appointment of professors, or recognised public readers in the faculties, paid by salaries instead of the small fees previously created by the regents, — an innovation which, in the course of time, materially interfered with the right of lecturing by simple graduates, although they still continued to exercise that right down to a very late period.

Such was the constitution of a university, according to the general model of these institutions in Europe, about the fourteenth and fifteenth centuries. But in process of time, these institutions departed greatly, in all countries, from their original model; and this departure took place in various directions. In no country, however, have they so greatly deviated from that model as in England; insomuch, that although the foregoing sketch is material to the understanding of the technical language and titles of Oxford and Cambridge, their system, as at present established, is as widely different as possible from that which it delineates. The steps by which the alteration took place were very gradual, and chiefly originated in the increased influence of the colleges.

The oldest college in Oxford is supposed to be Merton, founded by John de Merton, about 1261. Peterhouse, as a college, is the most ancient in Cambridge, although St. John's existed before it as an endowed religious house; its charter of foundation bears date 1283. From that period to the Reformation, the progress of collegiate found-

ations was continual. Fourteen colleges were founded before the Reformation in Oxford: thirteen in Cambridge. The number of students in the two universities was greatest in the thirteenth century, when they were calculated, in each, at many thousands, although the number continually fluctuated. In the following century they greatly diminished, owing partly to the decreasing repute of the scholastic philosophy, and partly to civil war, — a tendency which was still farther increased by the religious disturbances of Henry VIII.'s reign; so that at the Reformation, while the colleges had become comparatively numerous, the halls had fallen into much decay, and both universities were nearly emptied of students, except such as remained to enjoy the charitable foundations of the colleges. In 1500, the inhabited halls in Oxford were reduced to fifty-five: in 1546, to eight; and the few which have survived, retained their existence in consequence of the circumstance of their having become the property of colleges, while others were merged in the colleges themselves.

When, therefore, after the Reformation, the universities began to be again frequented by numerous students, the colleges almost alone survived the wreck of the ancient university institutions. It was, probably, not until the sixteenth century that they received independent members, unconnected with their foundations, as students. But in the course of that century the whole academical population became congregated within their walls and those of the few licensed halls. Several new colleges were also founded in both universities during that century, and various halls transmuted into colleges. In the reign of Elizabeth, when the new system had become fully established, the regent masters were deprived of the initiative in legislative measures in the House of Convocation in Oxford, which was transferred to the hebdomadal meeting of heads of houses; and the council or meeting of high functionaries, styled the Caput, was invested with the power of putting a previous veto on any grace, *i. e.* legislative measure, to be proposed in the senate at Cambridge. The statutes of Oxford were reduced into a body under Archbishop Laud (chancellor of the university) in 1638, and still form the recognised academical code. But since that period, the greater part of them has become virtually obsolete, and the change from the ancient university system to the modern confederacy of colleges has been completely effected. In the first place, all substantial examination for degrees (except the lowest in arts, to which may be added at Cambridge the lowest in civil law and in medicine) has been discontinued. The other degrees are conferred, as of right, on those who have attained a particular standing, without reference to proficiency, or (with some slight exception) the necessity of residence. Consequently, the attendance on the lectures of the public readers or professors in the various faculties has been dispensed with (with the exception of attendance on lectures in divinity, which is required for a purpose unconnected with university education, namely, that of taking orders); and these lectures are now given only to such as voluntarily attend them. Thus the *necessary* education of the university has become confined to so much as is required to retain the inferior degree of bachelor of arts. The amount of proficiency

necessary for the attainment of that degree is fixed by the university; and it is conferred only on such as have satisfied examiners, appointed by the university, of their competency. But the preliminary instruction is attained not by the hearing of the lectures of university professors, but by the intervention of the tutors in the several colleges. As no one can now belong to either university, unless he have been entered at, and have resided within the jurisdiction of, one of the colleges or licensed halls; so no one can attain the university degree of bachelor of arts, unless he have been subject to the collegiate instruction of the house to which he belongs. The sytem of honours, — that is, the distinction between the various classes of proficiency which have been introduced into the certificate for the degree of bachelor of arts, — is one of entirely modern institution. This preliminary history is necessary, by way of introduction, to a description of the English universities. In proceeding to lay before the reader an account of their present constitution, and the education which they give, we begin with Oxford; but by far the greater part of the usages which we shall detail are common to both, and, where any difference exists, it will be specially noticed.

The colleges of which each university is composed are to be regarded in a double light: in the first place, as charitable foundations for the maintenance of a number of students, and of resident graduates; in the next place, as houses of education, in which youths desirous of obtaining university degrees are lodged and placed under the superintendence of tutors. In the first point of view, each college is an independent corporation, wholly unconnected with the university at large, except as its members, individually, are subject to its statutes; governed by laws of its own, being for the most part such as were imposed by the original founder, and subject to the inspection of its own visitor, appointed in its charter of foundation.

At the head of each college is the head or principal, an officer called by various titles in different colleges (master, rector, president, warden, &c.). Except in one or two royal foundations, the heads of colleges are appointed by election of the fellows, from among their own number. This office is for life; and they are generally allowed to marry. The incomes of the heads of colleges vary so greatly as to render it impossible to give any definite account of them; in most instances they arise from the produce of a double fellowship, college livings attached to the headship, &c. In most colleges, they are necessarily clergymen. They exercise superior authority in the discipline, &c., of the college, considered as a place of education; but in other respects they only form part of its legislative council, being assisted by the fellows. Both at Oxford and Cambridge the heads of colleges exercise an important office in the government of the university, which will be explained when those bodies are considered collectively.

The fellows form the governing and constituting body of the college. Their number is everywhere different: some fellowships are constituted by the original foundations, and, in many colleges, others have been added by subsequent benefactors. In many colleges in both universities, fellows are necessarily graduates, either by statute or by common usage; having passed the lowest degree, that of B.A.

or student in civil law. But this is a rule subject to many exceptions, as every foundation is governed by its own laws; *e. g.* at New College, Oxford, being an establishment connected with the college of Winchester, persons of the founders' kin are fellows as soon as admitted, and the rest after two or three years' probation. The classes of individuals eligible to fellowships are also limited by the private statutes of each establishment, so that the most singular variety prevails. In Cambridge, however, the limitations to particular schools, dioceses, and districts are less common than in Oxford; but, on the other hand, it is the ordinary practice in the former university for each college to elect, to its fellowships, only students of its own. From the great size of the two colleges of Trinity and St. John's, the choice in them is very large, and the election has all the advantages of open competition, — the fellows being elected out of the body of scholars after a close examination in classical and mathematical learning, and wholly on comparison of their relative merits. In Oxford, all or some of the fellowships, at several colleges, are open to all graduates of the university; but while in some of these the election is on the principle of free competition, and preceded by a strict examination, it is, in others, matter of private interest and favour. The great majority, however, of Oxford fellowships are limited by the will of the founders to particular schools and localities, or come by rotation to such as are already scholars on the foundation. The fellows, therefore, of the two universities constitute a very miscellaneous body, comprising, in some houses, the highest talent and abilities of each; while, in others, they are not distinguished by these characteristics.

Fellowships are in general limited to persons studying with a view to holy orders: but there are exceptions to the rule in both universities. Time is allowed by the statutes for an individual elected to make his choice of a profession; and thus a certain number, who prefer to remain out of orders, vacate their fellowships after a few years. Vacancies are also made by marriage, against which the statutable rule is uniform in all houses; and by the acceptance of livings in the gift of the college (which are offered to the fellows as they fall vacant in order of seniority), or of any other living or situation statutably incompatible with the fellowship. Thus the succession is in most colleges pretty rapid. The incomes of fellowships are extremely various: the best at Oxford are supposed to be worth, in good years, from 600*l.* to 700*l.*, while many do not exceed 100*l.*, and many at Cambridge fall far short of that sum. They are paid out of the college revenues, which are for the most part received in corn rents, varying with the price of that commodity. The fellows have also a considerable proportion of their board provided for them by the college, if in residence. The amount received from a fellowship varies from year to year; part of the income of a college being usually derived from fines on the falling in of beneficial leases, and the corporate expenses of the college being also very variable. It is usual in most colleges for certain funds to be set apart yearly, derived in part from taxation of the fellowships, in part from the rent of rooms, &c. &c., for the general purposes of the establishment, technically styled "Domus." Out of this fund, repairs of buildings, purchase of livings, &c. are usually made; and in

this manner the great architectural undertakings of late years in both universities, but more especially in Cambridge, have been provided for.

The college tutors, who take charge both of the students on the foundation, and those who are independent of it, are selected from among the fellows, together with the officers, as dean, bursar, &c. Besides these officers, the fellows are not in general required to be in residence. These are, however, usually a certain number, either taking pupils as private tutors, or residing for purposes of study; and among the older fellows, there are to be found in most colleges a few who prefer the quiet monotony and ease of a college life to a dwelling elsewhere. It is customary in some colleges for individuals elected to fellowships to pass a year as probationers, during which they receive no income, and are considered as holding their appointment merely at will.

The scholars are under very different regulations, and enjoy very different advantages, at different colleges. They are upon the foundation; but not so closely connected with it as the fellows. The period of eligibility varies; but those elected to them are always undergraduates. In the larger colleges at Cambridge, the scholarships are numerous, and open to undergraduates of the college, forming small college prizes: at Oxford, the scholars in some colleges succeed by rotation to fellowships. In the latter university they wear a different gown from the rest of the undergraduate students. Scholars are often elected, both in colleges where the competition is open, and where it is restricted, before they have begun to reside at the university. Scholarships are, as may be supposed, very various in point of emolument: from 100*l.* or 80*l.* to 20*l.* or less per annum, together with some advantages in the way of board. In respect of discipline and education, scholars are on precisely the same footing with the independent students. In some colleges, the body answering to that of scholars bears a different name; as the demies (semicommunarii) of Magdalen, Oxford, &c. &c.

Exhibitions are annual pensions,—given away in some instances by the colleges; in others, by free and endowed schools, &c.,—to portion youths proceeding from them either generally to the universities or to particular colleges. Some are very valuable. Exhibitioners are not in general considered as on the foundation.

Besides these, there are several classes of inferior students, (and also choristers in some colleges,) provided for, wholly or in part, by the foundations. These poor students bear various names; as, at Oxford, servitors, bible-clerks, (at Christ-church, scholars). They were generally required to perform some menial offices in the college; a custom of which some relics still subsist. At Cambridge, where they are generally termed sizars, their position is more elevated.

In point of college system, the laws which regulate the several foundations, their component members, and the relation in which they stand to the university, there is no material difference between Oxford and Cambridge. But in tracing the system of education pursued at each, in which both the college and the university perform their respective parts, it becomes necessary to consider the two institutions

separately. The following account, therefore, will relate exclusively to the course of study and academical progress of a student at Oxford: the plan pursued at Cambridge will then be detailed separately, in so far as it differs from the former.

Every individual admitted to the University of Oxford, (in the language of the place, matriculated,) is entered on the books of some college or hall. At the time of matriculation, he is sworn to observe the statutes of the university, or submit to such penalties as may be imposed for their violation; and subscribes his assent to the Thirty-nine Articles. Whether he commence residence immediately on matriculation, depends on circumstances: it is not usually required of him until three or four terms afterwards; nor can he be admitted unless there be room for him in college, as lodging out in the town is in no case allowed to men under twelve terms' standing. There is no difference, in respect of priority of degree, admission, &c., between gentlemen commoners and commoners: the only privileges of the former consist in a particular dress, and in a separate table at the college dinner, with some trifling indulgences in particular colleges. Noblemen, however, and the eldest sons of baronets and knights, have certain advantages; the time for passing the first degree being shortened in their case.

Subjoined is a summary of the different periods at which the several degrees, &c. occur in the course of a student at Oxford. It will be recollected, that there are four academical terms in the year: Hilary, Easter, Trinity (or Act), and Michaelmas; and that the year of academical residence includes, in all, rather more than half the real year.

Responsions (preliminary examination), from sixth to ninth term.

General Sophist (a mere formal title), after two years.

Degree of B.A., after sixteen terms complete; of which twelve are only necessary in residence.

Degree of M.A., twelve terms from that of B.A.; of which actual residence is requisite for one only. (A master of arts becomes a regent after the act subsequent to his degree: and thus acquires the privilege of voting in convocation. The act is on the first Tuesday in July.)

Degree of Bachelor in Civil Law, three years from the regency.

Degree of Bachelor in Civil Law, without passing through arts, twenty-eight terms; of which seventeen in residence.

Degree of Doctor in Civil Law, five years from B.C.L.; shortened to four for those who intend to practise at Doctors' Commons.

Degree of Bachelor in Medicine, one year from regency; doctor in medicine, three years more.

Degree of Bachelor in Divinity, seven years from regency; doctor in divinity, four more.

Degrees in Music are merely honorary: but the performance of some piece of music is required by way of exercise.

On matriculation, the student is assigned to the superintendence of some one of the tutors of his college. This, however, in most colleges at Oxford, is little more than a form; as all the tutors (two, three, four, or five in number) generally divide both the discipline and in-

struction of the college among themselves; and the student is equally under the superintendence of all. The chief part of the instruction imparted by the tutors is in the college lectures which they deliver. These lectures are not harangues, like those of professors, but rather catechetical, mixed with reading and discussion, in which the class, consisting of a small number, go through, with the tutor, a portion of some classical or mathematical book in familiar use at the university examinations: the whole system of college instruction being preparatory to the degree. Of these lectures, the student, at first, generally attends three or four in the day. There is not, in general, much division of labour between the tutors in the same house. Divinity is usually part of the province of the dean of the college (the highest of its officers connected with education); and there is, in those which have a considerable number of undergraduates, a tutor whose lectures are confined to mathematics: but, with these exceptions, every portion of the range of subjects constituting the academical education may be taken indifferently by any tutor. Tutors, also, hold lectures occasionally with a smaller class of those about to be examined for honours, in authors of greater difficulty. Besides the lectures, there are college examinations at the close of the term (called collections), occasional compositions in Latin and Greek, and college prizes for composition.

In the sixth or eighth term (unless dispensation be obtained for a later period) after matriculation, the student must pass the preliminary university examination termed responsions, or, in common parlance, "little go." This examination is generally in three or four classical authors, selected by the student at his discretion; and either a portion of the Oxford logic, or a few books of Euclid, according to his choice.

As there is no classification of merit in this examination, there is no temptation to exceed the necessary limit in these respects. The examiners are termed the masters of the schools. To have failed in passing this examination (in Oxford phraseology, to have been plucked) three times, is generally considered a disqualification from farther pursuing the studies of the university.

After this period, the more important preparation for the public examinations for the degree in arts generally begins in earnest. Those who are anxious to take honours, generally about this time engage a private tutor (not necessarily of their own college) who may be able to render them more assistance, and pay them more exclusive attention, than the tutor of the college. The fee of a *private* tutor at Oxford is 50*l.* a year; at Cambridge, where the academical year is rather shorter, 40*l.*

The public examinations for the degree of bachelor of arts are held twice a year; viz. in Michaelmas and Easter Terms. For those who are simply desirous of obtaining the necessary degree, without any honourable distinction, it is necessary to be able to undergo an examination, — 1. In divinity: amounting to a general acquaintance with scripture history and doctrine, the Thirty-nine Articles of the Church, and the arguments usually adduced in support of them. 2. In classical literature: generally speaking, three Greek and three Latin authors, selected by the student at his choice among those of the more classical era, in which a pretty accurate proficiency is required. 3. In

logic. This relic of the old discipline of the schools, retained at Oxford only, consists merely of Dean Aldrich's Compendium of Logic, which the student is expected to have learnt so as to be able to apply its rules practically to proposed questions. 4. In Latin and English composition.

The examiners for the degree are eight masters of arts, four in classics and four in mathematics, appointed by the vice-chancellor and proctors, with the sanction of Convocation. Those who fail in showing such an amount of proficiency as, in the opinion of the examiners, entitles them to their degree, are said, in the language of the place, to be "plucked;" a phrase which originates in an ancient custom by which any one, who objected to a degree about to be conferred in congregation, notified his dissent by plucking the sleeve of the proctor's gown.

The examination for honours, though different in many particulars at Oxford and Cambridge, is a peculiar characteristic of the system of the English universities. It is, indeed, of comparatively recent date: having been first introduced, at Oxford, by the Examination Statute of 1801; and remodelled by that of 1807. It has subsequently undergone many alterations; and, from being almost wholly conducted *vivâ voce*, has recently been more assimilated to that of Cambridge, by means of written answers. The present system is on the following footing: —

The candidate for honours may seek to attain them in classical literature and moral philosophy (in literis humanioribus), or in mathematics (in disciplinis mathematicis et physicis), or in both. It is, however, indispensably necessary, as a preliminary condition, that he should satisfy the examiners of his proficiency in divinity, although he is not, in general, subjected to a severer trial on this head than those who merely "go up" for a common degree; or "pass," as it is termed at Oxford. It is also necessary for the candidate for mathematical honours to "pass," in the first instance, in classics.

The classical examination is conducted, in the main, on the principle of allowing the student to choose his own books for examination. These, however, must necessarily be pretty numerous, and comprehend a tolerably extensive circle of Greek and Latin antiquity. Nevertheless, it is not common, at Oxford, to find in the university examinations any attention paid to Greek history, or poetry, after the time of Alexander; or to Latin history later than the reign of Augustus. The classical era, with which the Oxford student is rendered tolerably familiar both in respect of historical detail and literary style, is narrowed within a very limited compass; and this, in the opinion of many, is advantageous, because his mind is thus conversant only with the best models of composition. It may be said that ancient authors are studied, at Oxford, rather in a comprehensive than in a closely critical view. The discipline of the place may inspire the student with the taste of a scholar, but does not, in general, confer that close analytical knowledge of the ancient languages which is so much sought after at Cambridge. Composition, however, as well English as Greek and Latin, is gradually becoming a more and more essential

part of the Oxford examinations. And it has been said, that while the plan, until lately, was for each student to be examined separately, an approximation has been made, of late years, to the Cambridge system of "papers;" the same set of questions being proposed in common to a certain number of candidates.

Two treatises of Aristotle, — the Nicomachean Ethics, and the De Rhetorica, — are still reckoned necessary class-books at an Oxford examination for honours: and some others of his works are occasionally added, at the discretion of the student. These books must be studied, and the substance of their contents committed to memory, pretty exactly: they furnish, likewise, subject-matter for a pretty extended course of examination in moral philosophy and in general literature. Plato is, or was recently, little studied at Oxford. In Greek composition, the principal models studied and followed are the dramatists, Thucydides, and Xenophon: in Latin, Virgil, Horace, &c., generally receive little attention beyond what is necessary to refresh school recollections. Livy is much read, Tacitus less: Cicero, by no means with so much assiduity as might be expected in a place devoted to classical study: nor is elegance in Latin prose composition often acquired. English writing is generally confined, at examinations, to a few translations; and an essay or two on philosophical or antiquarian subjects. Part of the examination, less considerable now than heretofore, is conducted *vivâ voce:* the examiners successively confronting the student for a space of time amounting in all to three or four hours. The whole classical examination for honours lasts three or four days.

Mathematical examinations are conducted according to the Cambridge system; being, in pursuance of the latest regulation, wholly managed by way of written question and answer. Out of ten papers of questions (in an examination of 1832), three were in algebra and geometry; two in the differential calculus; one in Newton's Principia, mechanics, hydrostatics, astronomy, and optics, respectively. It has been said, that the qualifications required of a first class man in mathematics, at Oxford, are about the same with those of an inferior wrangler at Cambridge: but it is obviously impossible to institute any exact comparison.

When all the examinations are concluded, the candidates for honours are *classed.* There are four classes of honour in each branch; the number of those who have "passed" without attaining honour forming the fifth class in the classical branch. Their names are not published; while those included in the two sets of four classes are printed, each class alphabetically, in the university bulletin, and rendered public. There is thus an approximation to a system of ranking according to merit, without its being fully acted on: for all those whose names stand in the same class appear as equals. There are ordinarily from six to twelve names in each of the two first classes: of course, a first class in both classics and mathematics (a "double first," in the language of Oxford) is the highest honour to which a student can attain. Instances are common enough of candidates for honours succeeding only so far as to pass: sometimes they have not even that good fortune; while, on the other hand, individuals

who merely go up for a "pass," by evincing an unusual proficiency in their examination, find themselves elevated to the fourth or third class in classics.

This account of the examinations for honours will serve, with proper modifications, as a sketch of the manner in which other examinations are conducted; such as those of the colleges for fellowships and scholarships; those for the open university scholarships, &c. It is only necessary to show that mathematical knowledge generally goes for little in college competitions for fellowships, unless the college should chance to be in want of a tutor in that department.

With the degree of B.A., or, rather, with the examination for it, the academical course of a student virtually ends; and a majority, including most of those not destined for the church, leave the university immediately afterwards; having remained there three or four years. The expenses of an undergraduate at Oxford vary so materially, according to the private habits of each individual, that it is impossible to present any satisfactory statement of them. Perhaps the whole expenditure of such commoners as live on the most economical scale (allowing an average for travelling expenses), may vary from 200*l.* to 250*l.* a year; what is spent above the latter sum must be set down to the tastes and inclinations of the individuals. This does not, of course, include a private tutor's fee, an expense which is seldom incurred except by those who are preparing for honours, and not always by them. The college accounts (technically called battels), which comprehend a slight annual payment to the university, the college fees to tutors, expenses of board, room-rent, coals, candles, and a few other items, vary from 60*l.*, to 100*l.* at different colleges, for commoners, and from 30*l.* to 40*l.* more for gentlemen commoners. There are sundry abatements for those on the foundation. The students dine together in the college hall, sitting at separate tables according to their ranks and degrees: their remaining meals they take in their own rooms.

There is, however, always a considerable number of graduates, of the degree of B.A., in residence at Oxford. Those who intend to enter orders must attend a course of lectures of the divinity professor after their degree. One term of residence, also, is required for a bachelor of arts, before he can proceed to the degree of M.A. There are probationary fellows, of whom residence is required, and others preparing themselves for examination for fellowships; others, again, reside as private tutors. Those on the foundations are, for the most part, accommodated within the colleges: the rest lodge in the town.

Degrees in civil law, and medicine, are merely nominal honours, which are not conferred on special examination, but cannot be obtained until after a bachelor's examination in arts. They are assumed, in general, by such as intend to practise in Doctors' Commons, or as physicians. For degrees in divinity, attendance on divinity lectures is requisite: there are, besides, disputations and exercises enjoined by statute for all the higher degrees, the performance of which is little more than nominal.

Few remain at Oxford after the degree of M.A., except such as are concerned with the discipline either of the colleges or of the university, as tutors, professors, &c. &c. But it is usual for most of those who take it, especially for clergymen, to keep their names on the books of their respective colleges, at a slight annual expense. By this means they retain the privilege of voting in the Houses of Congregation and Convocation; and thus questions on the adoption of laws affecting the internal state of the university, or elections to offices, &c., within it, are very frequently decided by an influx of non-resident voters.

The university of Oxford is incorporated by the style of "The Chancellor, Masters, and Scholars of the University of Oxford." Its ancient charters to this effect are confirmed by the Act of Incorporation, passed in the thirteenth year of the reign of Queen Elizabeth. Its statutes, as has been before observed, were reduced into a digest in the chancellorship of Archbishop Laud; whose "Corpus Statutorum" is still recognised as the governing code of the university, although many of its provisions are, in effect, abrogated by usage.

The Chancellor of Oxford was elected, in ancient times, for three years; but, since 1484, for life; and this office, originally held by a resident at the university, has long been little more than an honorary dignity, conferred on some distinguished lay or spiritual lord. But, although the Chancellor's ordinary powers are delegated to the Vice-Chancellor, he is still the first officer of the university.

The High Steward, or Seneschal, is appointed by the Chancellor: his principal office is that of holding the university courts leet, and determining causes in which members of the university are concerned, by virtue of their privileges. This office, however, is also performed by deputy, and held by some distinguished nobleman.

The Vice-Chancellor is, in effect, the supreme executive and judicial authority in both universities. He is annually nominated, at Oxford, by the Chancellor as his deputy; but, in practice, the office is held in rotation by the heads of colleges for four years.

The proctors (senior and junior) are university officers, appointed annually: they are nominated by the colleges from among their own members, each college taking its annual turn according to a peculiar cycle, fixed by the Caroline statutes of Charles I. They must be masters of arts between the standing of four and ten years. Their duties are of a very miscellaneous character; but they are best known as conservators of the peace of the university; in which office they are assisted by the pro-proctors, and have under their command the academical constabulary force. They have power not only to repress disorders among the students, and inflict summary academical punishments, such as imposition of tasks, confinement to college, &c.; but also an extensive police jurisdiction in the town. Their summary authority extends both over undergraduates and bachelors of arts, who are still considered by the university as in *statu pupillari*.

The corporate business of the university is transacted by the masters at large, in two different assemblies. *Congregation* consists of regents, either *necessary* or *ad placitum*; i. e. chiefly residents at the

university. Its business is chiefly of a formal character: confined to the giving degrees and granting dispensations. *Convocation* is the legislative assembly of the university. Members of Convocation are all regents, whether on the foundations, or independent members who retain their names on the books of the colleges (*convictores*). The number of members of Convocation was, in 1835, 2,551. But the legislative power of this body is limited by two material restrictions. In the first place, any proposition to explain or amend a royal, or Caroline, statute (those enacted by Charles I.) cannot be received without royal permission. In the next place, any proposition to enact any other new statute, or explain an old one, must first be referred to the hebdomadal meeting; which, if it approve the proposition, draws up the terms in which it must be submitted to Convocation; and thus, in fact, takes the initiative in every measure. This body was first instituted in the reign of Charles I., and is composed of the Vice-Chancellor, proctors, and heads of houses.

The Oxford professorships are of two classes; those established by royal foundation, and those of private endowment. It has been already shown, that the professors, as such, have no direct concern with academical education or discipline. Attendance on their lectures is not (except in a few merely formal instances) necessary for the attainment either of university rank or college emolument; although, for the purpose of being admitted to holy orders, it is necessary for bachelors of arts to attend the lectures of the regius professor of divinity for a short time, unless they have a dispensation. The lectures of professors, therefore, are only attended by voluntary students. Some lectures are given by most professors *ex officio*, and gratuitously; but there are also courses for which fees are received. Popular lecturers and interesting subjects will frequently attract considerable audiences; but, in general, the public lectures (and especially those given as part of the professor's duty) are ill frequented; and sometimes they are dispensed with altogether, on the score of non-attendance.

The *regii professores* are appointed by the Crown: they are of divinity, civil law, medicine, Hebrew, and Greek, founded by Henry VIII.; and botany, modern history, anatomy, since founded, or enlarged from private foundations. They are generally well paid, not only out of stipendiary funds, but also by valuable preferments attached to the professorships; *e. g.* canonries of Christchurch to those of divinity and Hebrew. The private professorships are, — 1. Of divinity, the Margaret professorship, founded by the mother of Henry VII., filled by election of all graduates in divinity. 2. In literature and languages; the Camden professorship of ancient history, founded by William Camden, Esq., in 1622: election by Convocation. Poetry, by Henry Bickhead, Esq.: election by Convocation. Anglo-Saxon, by Dr. Rawlinson, in 1750: election by Convocation. Arabic, Laudian professorship, founded by Archbishop Laud: election by officers named in the foundation. Arabic readership, by the Lord Almoner. 3. In common law, the Vinerian professorship, founded by Charles Viner, in 1755, together with common law scholarships: elections by Convocation. 4. In political economy, a professorship founded by Henry Drummond, Esq., in 1825: election by Convocation. 5. The

professorships and readerships in the natural sciences are very numerous; but, as these sciences are in no respect introduced into the academical system of education, Oxford has never been in repute as a school of natural philosophy. They are, — The Sedley professorship of natural philosophy (electors appointed by the founder and warden of All Souls); the Savilian professorships of geometry and astronomy (electors appointed by the founder). Lord Lichfield's clinical professorship, and the Aldrichean professorships of medicine and chemistry (founded 1803): election by Convocation. Lee's lecturership in anatomy, and the readerships in experimental philosophy, mineralogy, and geology, appointed by the Crown. 6. Professorship of music, founded by William Heather, in 1626: electors, the proctors. As a general rule, professorships are open to members of all colleges; but it is usual for Convocation not to elect two members of the same college in succession to the same professorship.

The public orator was first appointed in the reign of Elizabeth. He is chosen by Convocation. His duty is, to write letters and addresses on public occasions, to present to Congregation persons on receiving honorary degrees, and deliver an annual Latin oration.

The university of Oxford is amply provided with public rewards, for competition among undergraduates and bachelors of arts, mostly through the munificence of private benefactors, both in the shape of annual prizes, and of scholarships, &c. These are open generally to the whole university, although in some cases, the eligible or preferable candidates are limited by the terms of the endowment. The annual undergraduates' prizes are for Greek, Latin, and English poems: the bachelors' prizes, for Latin and English essays, and also for essays on subjects connected with divinity. There are classical university scholarships of two foundations (Craven and Ireland), mathematical and divinity scholarships, all given to open competition before examiners appointed by the university. Particulars respecting them will be found in the University Calendar.

The Commemoration, or Act, is held once every year, on the first Tuesday in July, in the academical building called the theatre. On this occasion honorary degrees are conferred, high offices inaugurated: the public orator recites his annual oration, and the prize essays and poems are read. Honorary degrees, conferred on persons not connected by residence with the university, are usually in civil law.

In concluding an account of the chief establishments of the university, it is necessary to speak of its two great libraries, the Bodleian and the Radcliffe (of which the former is one of those which have the privilege of demanding a copy of every work published in England); of its chemistry, also founded and endowed by Dr. Radcliffe; and, lastly, of its celebrated press, called the Clarendon Press, from the Lord Chancellor Clarendon, who gave the copyright of his History of the Rebellion to Oxford, with the profits of which the original printing-house was built. The press has been lately removed to a more splendid and extensive building. It is under the superintendence of a committee of eleven delegates; and all the books which issue from it are either such as are printed under the command and

direction of the delegates, or by private authors, with their express permission.

The income of the university itself is inconsiderable; arising, in part, from property, but chiefly from fees paid on degrees, &c. The revenues of the professors and other officers are generally distinct from the public chest of the university, and arising out of royal or private endowment. But the great wealth of Oxford is concentrated in the hands of the colleges; and, as these bodies, collectively, now form the academical body (all education for university purposes being carried on within their walls, and all students entered on their books), a separate mention of each is a necessary part of an account of the university.

University College is ranked in common opinion as the oldest in Oxford, but without substantial reason. The date of its foundation is, in fact, unknown; but its oldest statutes bear the date of 1280. The foundation consists of a master, twelve fellows, seventeen scholars and exhibitioners. Of the fellowships (which, as well as the scholarships, were given by different benefactors), some are for natives of the county of Durham only; some for those of the dioceses of York, Durham, and Carlisle; others for those of the rest of England, with the exception of these dioceses. Among independent members, University College has no gentlemen commoners. Its number of resident undergraduates is generally fifty or sixty.

Baliol College was founded by John de Baliol of Bernard Castle, in Yorkshire, and his lady Dervorgilla, between 1260 and 1270. The foundation, increased by the donations of various benefactors, is for a master, twelve fellows, and fourteen scholars, besides a considerable number of exhibitioners: some of the exhibitions are for the peculiar benefit of Scotch episcopalians. The fellowships and scholarships, at Baliol (with the exception of two of each, which are confined to persons elected from Tiverton School), are open to the university in general, and are among those regarded as prizes for general competition, being given away on a bonâ fide examination to the best candidate. The master and fellows of this college enjoy a privilege possessed by no other in either university—that of electing their own visitor. Baliol has no gentlemen commoners. The number of commoners in residence is generally from sixty to seventy.

Merton College was enriched by the translation of a foundation by Walter de Merton, Bishop of Rochester, and Chancellor of England, from Malden, to Oxford, in the year 1274. Parts of the buildings belonging to this college, its curious library in particular, are regarded as the oldest specimens of collegiate architecture in Oxford. The foundation is for a warden, twenty-four fellows, fourteen *portionistæ* (vulgò postmasters), four scholars, two chaplains, and two clerks. The postmasters correspond, in fact, to the scholars of other colleges. The fellowships are open to natives of all parts of England (not including Wales), with the exception of those of the dioceses of Hereford, Chichester, Exeter, Rochester, Lichfield and Coventry, Chester, and Carlisle. The fellows are elected, in practice, by favour, and not on comparison of literary merit; and Merton is among the colleges which are peculiarly distinguished for the association of members of

good family and connection among their fellows. The independent members are not numerous, generally from fifteen to twenty gentlemen commoners and commoners. The chapel of Merton is a fine specimen of the English style of the fifteenth century.

Exeter College was founded in 1314, by Walter de Stapledon, Bishop of Exeter, with the title of Stapledon Hall; and the scholars from Hart Hall were then removed to it. The present foundation consists of a rector and twenty-five fellows, besides numerous exhibitioners. Some of the fellowships are confined to particular dioceses, others to particular counties, generally in the west of England; but, as far as is consistent with the terms of the foundation, the election to some of them is open to free literary competition. The independent undergraduate members are usually a small number of gentlemen commoners, and from 80 to 100 commoners.

Oriel College was founded in 1326, by Edward II., "on the suggestion of his almoner, Adam de Brome." The name is derived from a small house, or messuage, of some sort, called la Oriole in the old statutes of the house, which stood on the spot afterwards occupied by the foundation. This college has a provost, eighteen fellows, besides exhibitioners. Four of the fellowships are for the counties of Somerset, Dorset, Wilts, and Devon: the rest are open to nearly unrestricted competition. They have been long regarded as among the most distinguished prizes which Oxford offers to academic merit, the election taking place on a severe examination. This college usually has from ten to twenty undergraduate gentlemen commoners, and from fifty to seventy commoners in residence.

Queen's College was founded by Robert Egglesfield, chaplain to Philippa, queen of Edward III., for the encouragement of students from the north of England. The old foundation consists of a provost and sixteen fellows, two chaplains, eight taberdars (so called from the taberd, or gown, which they formerly wore), twelve probationary scholars, and three clerks. The fellows must be elected from the counties of Cumberland and Westmoreland. There is also a new foundation, consisting of eight fellowships, four scholarships, and several exhibitions, founded chiefly out of the estates of John Michel, Esq., of Richmond, in Surrey, left by his will. These last fellowships are only for the term of eleven years; an unusual limitation in the university. They are open, and candidates elected, on free competition. The independent members are numerous: about 100 undergraduates are generally in residence.

New College was founded in 1386, by the famous William of Wykeham (already mentioned as the founder of Winchester college), for a warden, seventy fellows and scholars, ten chaplains, &c. The fellows and scholars are chosen by annual election from the college at Winchester, vacancies being filled up as they occur. Those of kindred to the founder are fellows at their first admission, without regard to age: the rest are considered as probationers, and termed scholars for two years. Members of this foundation are exempted from the university examinations, proceeding to their degree immediately, by virtue of a certificate from their college. Except a few gentlemen commoners, rarely exceeding six or seven undergraduates, this magnificent

institution admits no independent members. It is remarkable, considering the want of stimulus to exertion which is supposed to result from their exclusion from the schools, how many members of New College have been distinguished as *prizemen* for their merit in classical composition. The chapel of New College is usually considered as the finest interior in Oxford, although falling far short of the inimitable chapel of King's at Cambridge.

Lincoln College was founded in 1427, by Richard Fleming, Bishop of Lincoln. The foundation now consists of a rector, twelve fellows (limited to the old dioceses of Lincoln and York, except one, which is confined to the diocese of Wells), eight scholars, &c. This college has generally from thirty to forty undergraduate commoners.

The college of *All Souls* was founded in 1437, by Henry Chichele, Archbishop of Canterbury; and his foundation remains unaltered. The college consists of a warden, forty fellows, two chaplains, and a number of clerks. The election of fellows to this splendid foundation is entirely unrestricted: the qualifications required by statute being, as has been often quoted by way of satire against the establishment, that the candidate must be "benè natus, benè vestitus, et in arte cantandi mediocriter doctus." In practice the fellows are elected from the university at large, either on the strength of personal interest with the electors, or on the score of qualification of birth, connection, and agreeable manners: and it has been for several years the aim of the college to incorporate in its number the most distinguished candidates who could be found in these respects, without any regard to scholastic attainment. This college is the only one in Oxford which subsists entirely as a society of graduates, admitting no independent members, and no students, except the few clerks attached to the establishment. The beautiful towers of All Souls, structures belonging to no particular school of architecture, were raised about the middle of the last century.

Magdalen College was founded in 1456, by William of Waynflete, Bishop of Winchester and Chancellor of England. The foundation consists of a president, forty fellows, thirty scholars (called *demies*), and several inferior members. The fellows are variously limited to different dioceses and counties: the demies may be elected from any part of England from which any fellows are eligible, with the exception of the dioceses of York and Durham. This is one of the wealthiest collegiate foundations in England; but its elections are so restricted by statutes, that it is necessarily one of the closest. The only independent undergraduates are a few gentlemen commoners. Much of the architecture of Magdalen college is well worthy of notice; but its chief title to admiration is the elegant tower, which forms so prominent an object to those who enter Oxford from the east: it was raised in the reign of Henry VII.

The King's Hall and College of Brazen Nose was founded in 1509, by William Smith, Bishop of Lincoln, and Sir Richard Sutton of Prestbury, in Cheshire. Its name is derived merely (it is supposed) from the brazen nose which decorated, by way of knocker, the door of the old hall on the site of which it was founded. This college has received many benefactions since its first establishment.

It has, at present, a principal, twenty fellows, thirty-two scholars, and several exhibitions. Both fellowships and scholarships are, for the most part, confined to natives of particular localities, with preference, in some instances, to the kindred of the various founders. This college usually holds in residence a small number of gentlemen commoners, and about 100 commoners.

Corpus Christi College was founded in the year 1516, by Richard Fox, Bishop of Winchester, for a president, twenty fellows, twenty scholars, and two chaplains. The fellows are elected from among the scholars, and the latter confined to various dioceses and counties. The undergraduate members not on the foundation are only six or eight gentlemen commoners.

Christ Church was originally founded by Cardinal Wolsey, and subsisted four years under his patronage; but at the period of his disgrace the foundation was still incomplete. King Henry VIII. first suspended, and finally re-established, it; and, in 1545, the episcopal see having been at the same time fixed at Oxford, this institution was placed on the double footing of a college and a cathedral. The foundation then consisted of a dean, eight canons, eight chaplains, &c., together with sixty students; to whom forty more were afterwards added by Queen Elizabeth, and one by a subsequent benefactor (William Thurston). The canons of Christ Church have houses provided for them within the college: they can marry, and are on the same footing with the canons of other cathedral churches. One canonry is permanently attached to the office of divinity professor: another to that of Hebrew professor. Of the students, sixty-one are nominated by the canons, these nominations being a matter of private patronage: they answer both to the scholars and fellows of other colleges, being elected as undergraduates, and retaining their studentships until death or promotion. Queen Elizabeth's forty are elected from Westminster college.

This magnificent establishment, the first in Oxford, and, in some respects, the first in England (Trinity College, Cambridge, being its only rival), gives, also, instruction to a great number of members not on the foundation. It has been, for many years, by prescription, the favourite place of education for noblemen, and for young commoners of rank and wealth. The number of noblemen varies according to accident, but usually comprises all those who attend the university. The undergraduate gentlemen commoners in residence generally vary from thirty to fifty: the commoners average ninety or a hundred. The buildings of Christ Church form a magnificent whole; but in detail, with the exception of the fine hall, they do not anywhere equal parts of some other colleges in architectural beauty. The old church of St. Fridiswida, now serving the double purpose of cathedral and college chapel, is a Norman building of high antiquity.

Trinity College was originally founded under the patronage of the priors and bishops of Durham; but that foundation having been suppressed at the Reformation, a college was endowed on its site by Sir Thomas Pope, in 1554, for a president, twelve fellows, and twelve scholars. The scholarships are open, and given to free competition. The fellows are elected either from actual or superannuated scholars,

with no res riction, except that there cannot be more than two of the same county (with the exception of Oxfordshire, which may have five at the same time). There are several exhibitions: and a few undergraduate gentlemen commoners, and fifty or sixty commoners.

St. John's College was founded in 1557, by Sir Thomas White, alderman and merchant tailor. It consists of a president, fifty fellows and scholars, &c. Of the fellowships, six are for founders' kindred; seven appointed to particular endowed schools; the rest all to Merchant Tailors' school. The founders' kin are fellows on admission; the rest scholars (or probationary fellows) for three years. There are generally from thirty to forty undergraduate commoners in residence.

Jesus College was founded by Queen Elizabeth, in 1571, on the benefaction of Hugh Price, treasurer of St. David's; and has received additional benefactions. The foundation now consists of a principal, nineteen fellows, eighteen scholars, &c., mostly natives of Wales. The independent members, of whom there are generally fifty or sixty undergraduates, are, for the most part, from the same part of the island.

Wadham College was founded in 1613, by Nicholas Wadham of Merifield, in Somersetshire, and Dorothy, his wife, for a warden, fifteen fellows, fifteen scholars, &c. The fellows are superanuated after eighteen years. They are elected from the scholars: of these the greater part are admitted on open competition: a few restricted to particular counties. Resident undergraduates about fifty.

Pembroke College was founded by the endowment of the ancient Broadgate Hall, in 1624, by Thomas Tesdale, Esq., and the Rev. Richard Wightwick. The foundation now consists of a master, fourteen fellows, and several scholars and exhibitioners. The fellowships, and most of the scholarships, are variously limited to schools, districts, and founders' kin. There are from forty to fifty independent undergraduates in residence.

Worcester College was founded by the endowment of Gloucester, or St. John Baptist's Hall, a very ancient institution, in 1714, by Sir Thomas Cookes of Bentley, in Worcestershire. The foundation now consists of a provost, twenty-one fellows, and sixteen scholars, besides exhibitioners. The fellowships and scholarships are founded by various benefactions; and the fellows all elected from the scholars of their various foundations. Some of the scholarships are open. There are of independent undergraduates usually from ten to twenty gentlemen commoners (called in this college fellow-commoners) and about sixty commoners.

The five surviving halls of Oxford are foundations not incorporated or endowed with estates, although some of them have a few exhibitions. The principals receive annual rents from the students inhabiting the halls, who are independent members. The chancellor of the university appoints the heads of halls (with the exception of St. Edmund's Hall, to which the provost and fellows of Queen's appoint). The independent members are in all respects on the same footing, with respect to the university, as those of the colleges. The tutorial department, in such of these halls as still serve the purpose of

education, is in the hands of the principal and vice-principal. St. Mary's Hall, belonging to Oriel College, has from twenty to thirty undergraduates (gentlemen commoners and commoners); Magdalen Hall (to Magdalen College), ninety; St. Alban's Hall (to Merton), twenty; St. Edmund's Hall (to Queen's), forty; Newtown Hall (to New College), a few. Students frequently come to these halls more advanced in years than is usual among those who commence their academical course in colleges; and the rules of residence are not, in some of them, as strictly enforced as elsewhere.

One college may be mentioned as an extinct establishment; namely, Hertford College, founded by endowment of the ancient Hart Hall, about 1740, dissolved in 1816; on the site of which the present Magdalen Hall is erected.

The number of names on the books of the colleges and halls, at Oxford, was, in 1835, 5,251; of which, as has been said, those of members of Convocation (*i. e.* all regent masters, and upwards) were 2,551; leaving 2,700. How many of the latter were undergraduates in residence, it is not easy to ascertain; but, in all probability, the number does not fall materially short of 1,500.

Cambridge. — The organisation of the collegiate bodies, and their rules of government, at Cambridge, vary from those of Oxford only in a few unessential particulars. The three ranks of independent undergraduates, in the former university, are noblemen, fellow-commoners (so called originally from having their commons, or college dinner, at the same table with the fellows), and pensioners. With respect to the discipline and government of those *in statu pupillari*, it is to be observed, that students at Cambridge do not subscribe to the thirty-nine articles, either at matriculation or afterwards; although, on taking their degree of B.A., they are obliged to sign a declaration of adherence to the Church of England. Lodging in college is not enforced on undergraduates, if there be not room within the walls of the building to accommodate them. It is chiefly to this circumstance that the great increase of students at Cambridge, of late years, is to be attributed; the members of the other university being necessarily limited by the amount of room for lodging them. With regard to members on the foundation, the scholars of most colleges at Cambridge, being generally elected by free competition from among the undergraduate members, form rather a distinguished class among the students than a body distinct from the independent members, and chosen without free competition, as is generally the case at Oxford. A distinction exists between two different classes of fellowships in most houses at Cambridge, which is only partially known at Oxford; viz. between the foundation fellowships, and what are termed the bye-fellowships and appropriated fellowships: the former being part of the original endowments, and generally open to all the world; the latter, founded by subsequent donations, and frequently limited by local or other restrictions. In most colleges, the governing body is composed of the foundation fellows only; and they alone are eligible to college office. It has been already stated, that the general usage, at Cambridge, is for each college to elect its fellows from among its own members, whether scholars or inde-

pendent: the chief exceptions to this rule occur in the small colleges, when they are in want of some individual to fill the office of tutor, and no satisfactory candidate presents himself in their own number.

In general, it may be said, that the Cambridge system is less strict in point of external discipline, and the undergraduates under rather less close control, than at the sister university; on the other hand, that emulation and close attention to study are more favoured and encouraged. All the regulations, both of the colleges and university, tend in this direction. Open competition, and rank according to merit, form the cardinal principles of the academical constitution, as far as it relates to students.

The system of public examinations pursued at Cambridge is, in many respects, very different from that which subsists at Oxford: its details will serve to show what is the character of the instruction, and academical discipline, of the university: as the public examinations are only intended to call forth and exhibit the results of that instruction.

The peculiar characteristic of Cambridge is, and has been for nearly two centuries, the pursuit of the mathematical studies, and of those branches of natural philosophy which depend upon them. It is, probably, in consequence of the general attention to these studies, that physical science, in all departments, has been more cultivated in this than in the sister university; but the proficiency of Cambridge men, in so many of those departments as are not immediately connected with mathematics, can only be regarded as an indirect result of the cultivation of the latter science; to which, and its cognate sciences, alone, the chief machinery of the place, the lectures both public and private, the honours and emoluments both of the university and the colleges, have hitherto been chiefly devoted. Classical study, although now carried to a very elaborate extent, is comparatively of very recent introduction.

The academical year at Cambridge commences with Michaelmas Term, when the several courses of lectures, &c., begin. At the end of each of the two first years college examinations are held, when the men of each year, as they are termed (*i. e.* all who have commenced residence at the same Michaelmas), are classed in order of merit. These examinations, in colleges of so great extent as Trinity and St. John's, almost partake of the nature of university competition.

The first university (or "previous") examination for the degree of B.A. takes place in the Lent Term of the second year from that in which the student commences residence. This "little-go" is of recent introduction (1829). The subjects of examination are the elements of divinity (including the Evidences of Christianity of Paley, the favourite text author of Cambridge), and one Greek and one Latin author. After this examination, the candidates are merely arranged, alphabetically, in two classes; those who have passed with credit, and those who have passed simply. Rejected candidates must attend the next year's examination.

The "previous examination" is followed by the "exercises," performed only by those who aspire to honours. These relics of old

scholastic fashion consist of Latin theses (generally on subjects of moral philosophy), which are propounded by the student who is candidate for the degree of B.A. (the respondent), and answered by others, styled "opponents," in syllogistic form, in Latin, under the superintendence of the moderator. These exercises take place during the year preceding that in which the respondent intends to pass as B.A.

The practice of "degrading," or postponing for a year the degree of B.A., which had become common among students, gave rise to a recent statute, by which degraders are not allowed to present themselves as candidates for honours without special permission.

The senate-house examination for the degree of B.A. takes place every Lent Term; so that (contrary to the Oxford practice) all the men of the same year, except such as have degraded, enter into competition at the same time.

The questionists, or candidates, are first divided into six classes (depending on the exercises of the preceding year). The two last consist of those who are not candidates for honours. These are examined separately from the rest. Their examination lasts six days: it is entirely conducted on paper; and the subjects, or questions, and exercises proposed are the same for all. They are in Euclid's Elements, arithmetic, and algebra, with some in the elementary parts of natural history; Homer and Virgil, including questions in grammar, history, and geography; Paley's Evidences and Natural Philosophy; and Locke.

The examination of the candidates for honours (mathematical tripos) is confined to mathematical and the cognate sciences; with the addition of questions in divinity, logic, and moral philosophy; which, however, are regarded as entirely subsidiary to the great purpose of the examination. It lasts seven days; the first five being entirely devoted to mathematics. Each day is of five hours and a half; and, on the first four days, the same set of questions is proposed to all the four classes: on the fifth, there is a distinction taken in this respect between the first and last two. On the first day, the examination extends to "such parts of pure mathematics and natural philosophy as do not require the methods of the differential calculus;" and, during the successive days, it gradually rises in difficulty. On the sixth day, the four classes are examined in logic, moral philosophy, and divinity On the seventh, or last day, the mathematical examination is resumed. In the morning of this day, the "brackets" are published. These are classes on the same principle with those into which the competitors are finally divided at Oxford; each containing, alphabetically, those who have shown themselves nearly equal in merit. After the close of this day, those most distinguished (thirty at least) are arranged in strict order of merit; being divided, by rather arbitrary lines, into the classes of wranglers, and senior and junior optimes; the highest of all being senior wrangler for the year: the greatest of English academical honours. The fifth and sixth classes (in the Cambridge idiom, οἱ πόλλοι, the many,) are also arranged according to merit. But, in all the classes, those between whom the examiners find themselves incapable of assigning a difference of merit are *bracketed* as equals.

Smith's Prizes are two annual prizes for commencing bachelors of arts in mathematics and natural philosophy. They are made the subjects of open competition shortly after the period of the mathematical tripos; and thus the adjudication of these prizes is, in some sort, the decree of a court of appeal, in which, sometimes, that of the examiners is reversed, and the second, or even a lower, wrangler becomes first prizeman.

The classical tripos, or examination, follows some weeks after the mathematical. It is a voluntary competition, to which those only who have obtained mathematical honours are admitted. It lasts four days; and the candidates are arranged, in order of merit, in three classes. The Chancellor's medals are annually given to two commencing bachelors of arts, senior optimes at the lowest, for classical merit. These, therefore, like the Smith's prizes, form separate subjects of competition: but it has very often happened that the same name has appeared at the head of the classical tripos, and as having obtained the first Chancellor's medal.

The characteristic of classical study, at Cambridge, is a minute attention to the critical peculiarities of the Greek and Latin languages. This is carried to a far greater degree of accuracy than at Oxford; and the system of examination is framed with a view to produce and elicit as much of this knowledge as possible. Thus the "questions," or select portions of ancient authors, given to candidates for the tripos for translation and elucidation, are usually selected either from their difficulty and grammatical or rhetorical peculiarities, or from their lying out of the line of ordinary reading, that the student may be thrown as far as possible on his own resources of general knowledge to explain them. Such a mode of examination would appear to imply a very extensive course of study on the part of the candidates. But that study, in general, although severe and accurate, is not very comprehensive. Close critical familiarity with a few authors of the better age supersedes a general acquaintance with the remains of classical antiquity. It seems as if the University of Cambridge had borrowed from its own mathematical discipline the usage of binding down the mind to exercise itself thoroughly in a narrow range of topics, during the short space of the three academical years which pass before the degree.

Original composition forms no part of the tripos examination. It is, on the other hand, a chief feature in the competition for the university scholarships. There are also annual prizes, as at Oxford, for several species of classical composition. It is in these exercises that the result, both of the previous knowledge and facility acquired at public schools, and of the critical acumen attained at Cambridge, is evinced in the most brilliant, if not the most satisfactory, manner.

The present statutes of the University of Cambridge were granted by Queen Elizabeth. The senate, or legislative body of the university, consists of two houses, the regents and non-regents. But every grace (*i. e.* proposition submitted to the senate) must have the previous approbation of the council, called the caput; which consists of the vice-chancellor, a doctor in each of the three faculties, and two masters of arts, who in practice are all five nominated by him.

The principal officers of the University of Cambridge have nearly the same titles and offices with those of Oxford; namely, the chancellor, high steward, vice-chancellor, public orator (who is, as it were, the secretary of the senate, writing, reading, and recording letters to and from it, and presenting to honorary degrees), and the two proctors. There are also two officers peculiar to Cambridge, styled moderators, who are deputies of the proctors, and whose office it is to superintend the public exercises and examinations.

The principal professors at Cambridge are, the regius professors of divinity, civil law, physic, Hebrew and Greek, appointed by King Henry VIII.; the Margaret professor of divinity, whose chair was founded by the mother of Henry VII., Margaret Countess of Richmond; the regius professor of modern history, appointed by King George I. in 1724. Besides these, there are two professorships of Arabic (one founded by Sir Thomas Adams, in 1632; and the other styled the Lord Almoner's professorship); the Lucasian professorship of mathematics; professorships of casuistry, music, chemistry, astronomy and experimental philosophy, anatomy, botany, geology, astronomy and geometry, natural and experimental philosophy, English law, medicine, mineralogy, political economy; and a third professorship of divinity, founded by John Norris, Esq., in 1768. As at Oxford, the appointment to some of these is vested in the senate, to others in the Crown, and to others in special bodies of electors.

The professors, as at Oxford, are not directly concerned in the public education of the place; although their lectures are, in general, better frequented, and more celebrated, than those delivered in the sister university. There are two exceptions to the former rule; viz. that persons proceeding to the lower degrees in civil law and medicine are obliged to bring testimonials of attendance on the lectures of particular professors. The following table exhibits the principal rules respecting the time required for proceeding to degrees at Cambridge. It will be observed that the year, at this university, for the purpose of residence, consists only of three terms; residence in Trinity Term not being required.

Degree of *B.A.*, after twelve terms, of which ten in residence.

M.A., bachelors of arts of three years' standing.

Bachelor of Divinity, M.A. of seven years' standing; but, by a peculiar usage, persons are allowed to proceed to this degree at the end of ten years without having taken any other: styled ten-year-men.

D.D., B.D. of five years', or M.A. of twelve years', standing.

Bachelor of Civil Law must be of six years' standing complete, and have resided nine terms: a B.A. of four years' standing is also admissible to this degree.

Doctor of Civil Law, five years from degree of B.C.L., or seven from that of M.A.

Bachelor in Physic may be admitted after five years' standing, and nine terms' residence.

Doctor in Physic, same as doctor in civil law.

Licentiate in Physic, M.A. or M.B. of two years.

Bachelor in Music, required to enter his name at a college, and perform an exercise in his art.

Doctor in Music, generally a bachelor in music.

The following are the collegiate establishments of Cambridge, in order of foundation. It will be observed, that the name *Hall* is not given, as at Oxford, to houses without endowment: it is, in fact, used indiscriminately with *College*. The followships and scholarships are unlimited, or nearly unlimited, as to the birthplace or place of education of candidates, unless where otherwise specified.

St. Peter's College (commonly called Peter House), founded in 1257, by Hugh de Balsham, Bishop of Ely. The present foundation has fourteen fellows, besides ten by-fellows, and fifty-two scholars. One fourth of the foundation fellows must be in orders; ten are termed by-fellows, and are not entitled to offices in the college, or a vote in its affairs.

Clare Hall, founded in 1326, by Dr. Richard Badew, as University Hall; afterwards reconstituted by Elizabeth de Burgh, sister of Gilbert Earl of Clare. The society consists of a master, twenty-two fellows, and thirty-four scholars.

Pembroke College, founded in 1343, by Mary Countess of Pembroke, has a master, sixteen fellows, and twelve foundation scholars.

Gonville and Caius College was founded, as Gonville Hall, in 1347, by Edmund Gonville. John Caius, the celebrated physician, consolidated this foundation with a new one of his own in 1558. There are twenty-nine fellowships, of which twenty-one are open, the rest limited: two of the fellows must be physicians. There are also twenty-six scholarships, and four valuable studentships in physic, besides fourteen exhibitions. This college is the only one in either university, although both confer degrees in medicine, which has served, in reality, as a nursery for physicians.

Trinity Hall was founded in 1350, by William Bateman, Bishop of Norwich. Its twelve fellowships are usually held by graduates in the civil law, of whom two in orders.

Corpus Christi College (also called Benedict, or Bene't) was founded in 1351, by the brethren of two guilds, or corporate societies, in Cambridge. It has twelve fellowships, of which two appropriated to Norwich school, and two to natives of Norfolk. The present buildings of this college (commenced in 1823) are among the most elegant specimens of modern Gothic in either university.

King's College was founded in 1441, by King Henry VI., and by him connected with Eton College. The society consists of seventy fellows and scholars and a provost, all elected from the seventy scholars of Eton, by seniority, according to the system detailed under the head of Eton. They are elected fellows at the expiration of three years from their admission. By special composition with the university, the members of this house (like those of New College, Oxford) are exempt from the university examinations and exercises, and from the authority of the university officers within their own walls. The buildings of King's College are of several dates. The magnificent chapel was begun by Henry VI.: its construction was continued under several reigns; and it was completed, with money bequeathed

by Henry VII., in 1515. The grand court adjoining to the chapel has been recently erected in a very sumptuous style; but, although the details of its architecture are mainly taken from those of the chapel, the general effect is strikingly dissimilar.

Queen's College was founded by Margaret of Anjou, in 1446. There are one by and nineteen foundation fellowships, limited in a peculiar manner. The head of this college is styled president. There are twenty-six scholarships.

Catherine Hall was founded in 1475, by Robert Woodlark, provost of King's. There are fourteen fellowships, of which six on the foundation; and forty-three scholarships.

Jesus College was founded in 1496, by John Alcock, Bishop of Ely. There are sixteen foundation fellowships, which are thrown open by a recent statute. The master and fellows nominate two candidates on a vacancy, of whom the Bishop of Ely (the visitor) appoints one. There are forty-six scholarships and exhibitions.

Christ's College was founded in 1451, by King Henry VI.; additionally endowed by Margaret Countess of Richmond and Derby, in 1505. There are fifteen clerical and two lay fellowships, partially limited; and more than fifty scholarships and exhibitions.

St. John's College was founded in 1511, by the executors of Margaret Countess of Richmond and Derby. This college has thirty-two foundation fellowships, now thrown open, by royal letters patent, to all natives of England and Wales; and thirty appropriated fellowships of different foundations. The electors are the master and eight senior resident fellows. There are 114 scholarships. This great college has been distinguished, for a long period, for the high mathematical qualifications required, in general, from its fellows; and, in this respect, a rivalry, renewed at every university examination, subsists between it and Trinity: but the latter college has, of late years, been decidedly superior in the classical distinctions required by its members. The buildings of St. John's have recently been increased by a large quadrangle on the left bank of the Cam; forming one of the finest collegiate edifices in England.

Magdalen College was begun in 1519, by Edward Stafford Duke of Buckingham; completed in 1542, by Lord Chancellor Audley. There are four foundation and thirteen by-fellows, with thirty-nine scholars.

Trinity College was founded by Henry VIII., in 1546, on ground which had been occupied by several suppressed colleges and hostels. It has a master and sixty fellows, elected from the scholars, graduates below the degree of M.A.; and sixty-nine scholars. The fellows (except two) must go into orders on the expiration of seven years from the degree of M.A. The government of the college is vested in the master and eight senior fellows. This magnificent foundation has acquired the first rank among the colleges at Cambridge for the number of its independent members in general, as well as of those of rank and fortune; and, also, for the high character which it bears as a place of education. The acquisition of a fellowship at Trinity may be considered as the highest collegiate honour in England, from the select character of the competition; the scholars being themselves

chosen for merit out of the great body of the undergraduates of the college; while, out of this distinguished class, a further choice is made on the election of a fellow. The buildings of Trinity are the most extensive belonging to a single college in either university, as the number of its resident undergraduates is by far the greatest. The great quadrangle is the largest at Cambridge, and larger than any at Oxford. Neville's Court is remarkable for the elegant collegiate style of its architecture.

Emanuel College was founded, in 1584, by Sir Walter Mildmay, Chancellor of the Exchequer in the reign of Elizabeth. It was regarded, in the early times of its foundation, as a seminary of puritan opinions. There are twelve original foundation fellowships, and three subsequently added.

Sidney Sussex College was founded in 1598, pursuant to the will of Frances Sidney Countess of Sussex. There are nine foundation fellowships, and three appropriated; and twenty foundation scholarships.

Downing College was founded in pursuance of the will of Sir George Downing, dated 1717. The college was not incorporated until 1800. When complete, the society will consist of a master, professors of law and medicine, sixteen fellows (of whom two clerical), and six scholars. All graduates of Oxford and Cambridge are eligible to fellowships. The lay fellowships are tenable only for twelve years.

The number of members on the books at Cambridge, in 1835, was 5,399: of these the members of the senate were 2,459, remainder 2,940: it will be seen that these numbers are very nearly the same with those which represent the same classes at Oxford; and it is probable that the undergraduates in residence are about equally numerous in each university: but Cambridge, from the circumstance of its accommodation for students not being restricted by the extent of the college buildings, is in a state of much more rapid increase. It has doubled its number since the commencement of the century. Trinity alone may have about 400 undergraduates, and St. John's 300.

It only remains to notice the establishments for the higher branches of education which have arisen of late years in the metropolis, Durham, &c., to which the character of universities can hardly be said, in strictness, to belong, inasmuch as the power of granting degrees has not been conceded to them.

University College (formerly *London University*) was founded by a company of shareholders, with a view partly to pecuniary advantage, and partly to supply general education, combining a more extensive range of subjects than those in which instruction is given at Oxford and Cambridge; and also for persons of every class of religious opinion. It was opened in October, 1828. Its character was borrowed from the universities of Scotland and Germany. It was not proposed to establish any system of academical residence and discipline; but merely to furnish education by means of public lectures by professors, dependent on fees from their pupils; to institute examinations and prizes for the benefit of such as attended these lectures, &c.

The government of the college is vested in a council, elected by the proprietors, which has power to make regulations, accept endowments, appoint officers, professors, tutors, &c. Instruction is provided in the three faculties of arts, medicine, and law. The professorships are thirty-two in all; viz. nine in literature, six in mathematical and physical sciences, three in ethical and political sciences, three in law, eleven in medicine: some of these are, however, vacant, and some are held with other professorships. The session of the university commences on the first of October for the medical classes, and first of November for the remainder. The manner of instruction in the Latin and Greek classes, and those of modern languages, &c., is, in general, catechetical, by daily examination in passages previously studied by the scholar; and by written exercises. In the classes attended by junior students there are frequent examinations; and two regular examinations, on the Cambridge plan, in the course of the year.

Hitherto, this institution has not had much success; the only portions of it which have at all answered the expectations of the founders, by furnishing regular collegiate courses of instruction, being the medical, mathematical, and classical departments. The remaining classes, such as those of law, natural science, philosophy, &c., have remained only partially connected with the establishment; being thinly attended, and, in many instances, more numerously by independent auditors, not going through a regular course of education, than by those belonging to the latter class.

Connected with the college is a preparatory school, which is well attended; a library, museum of anatomy, and an hospital.

King's College, London, is situated on ground presented to the foundation by King George IV., forming the east wing of Somerset House. The funds for the erection and support of the institution were raised partly by donations and partly by shares. The government is vested in a council consisting of three classes; the visitor (the Archbishop of Canterbury), the perpetual governors by virtue of offices (viz. the Lord Chancellor, Archbishop of York, Bishop of London, and several other high functionaries), the governors for life, and the councillors simply. The establishment is divided into two parts, junior and senior. The junior department consists of the King's College preparatory school: connected with the establishment are nine other schools in different parts of the country. The senior department is divided into the general school, with sixteen professors in various branches; and the medical school, with nine. The chief difference between the two establishments consists in the fact of there being a divinity professor attached to King's College, which is instituted professedly, although not exclusively, for the instruction of youth according to the tenets of the Church of England.

University of London. Various negociations had been entered into, at different times, between the government and the councils of University College and King's College, relative to the conferring of degrees by the latter. These, however, proved unsuccessful; but, in order to obviate the inconvenience arising from the want of an establishment with power to confer degrees in the metropolis, government established, by charter, dated the 28th of November, 1836, the

London University. This consists of a senate, who appoint individuals in the various departments of literature and science, whose duty it is to examine all candidates for degrees educated at University College, King's College, or such other institutions as her Majesty in Council may from time to time choose to specify. On the formation of this new metropolitan university, University College relinquished its former title, which had been from the first a misnomer, and received a charter of incorporation by the name which it now bears.

We are inclined to regard the establishment of the University of London as a signal improvement. The entrusting of the examination of candidates for degrees to gentlemen nowise connected with their education, will go far to obviate all chance of improper individuals being graduated because they happen to be educated at certain places, or by certain parties; and will, in this way, be of material advantage. It is difficult, however, to see any good reason why those individuals only, who have been educated at certain specified establishments, should be entitled to appear before the examiners. Provided a person have the necessary information, it is of no importance to the public how he came by it. Make sure, by a searching examination, that candidates are entitled to the distinctions to which they lay claim; but, having done this, it is mere impertinence to inquire how or where they were educated.

The University of Durham has been recently founded, chiefly by private endowment from the bishop and wealthy prebendaries of the diocese. The establishment consists of a warden, professors, tutors, readers, and lecturers; its professed object is, the furnishing instruction to students in the north of England, with a view to holy orders.

The same object is sought to be accomplished, on behalf of the poorer class of students in Wales, by the modern establishment of the College of St. David's, at Lampeter.

Mechanics' Institutes. — Exclusive of the instruction at the above-mentioned schools and colleges, considerable exertions have been made within these few years to diffuse instruction among tradesmen, mechanics, &c., in large towns, by the establishment of what have been called Mechanics' Institutes. These are supported partly by contributions, and partly by the subscriptions of the members. Short courses of lectures, illustrated with experiments, are given on the most popular and interesting branches of natural philosophy, and occasionally on departments of literature, moral philosophy, political economy, &c. Reading rooms are attached to the greater number of these institutions, which, speaking generally, are well attended. On the whole, we believe these establishments have been productive of considerable advantage. The instruction they supply is, no doubt, very flimsy and superficial. But it notwithstanding serves to expand and inform the minds of the auditors; and is probably the most suitable for them. An improvement in the system of school education, by qualifying the members of Mechanics' Institutes the better to appreciate accurate scientific discussions, would be the most likely, or rather, perhaps, the only means by which to improve the lectures given at the institutions in question.

SECT. II. *Education in Scotland.*

Early History of Literature and Education.—Scotland, at an early period of her history, enjoyed comparatively few facilities as to education and literature. Her population being thin, her soil poor, and her position among the nations of Europe remote, she necessarily laboured under many disadvantages with regard to both. Druidism never extended so far north; and the first elements of knowledge which she possessed she owed to the introduction of the Christian religion.—(*Irving's Dissertation on the Literary Hist. of Scotland*, prefixed to his *Lives of Scottish poets.—Murray's Liter. Hist. of Galloway*, chap. i.) Some writers have contended that Christianity found its way into Scotland at a comparatively remote period; but Bede, the earliest writer on the subject, and whose testimony has obtained the sanction of Pinkerton and of our best authorities, refers this event to the beginning of the fifth century, and assigns the honour of it to St. Ninian, who died in 432. (*Bedæ Hist. Eccles. Gent. Ang.* iii. iv.) This celebrated ecclesiastic founded a monastery at Candida Casa, now Whithorn, in the south of Scotland, and established a bishopric there: both the first known in that country. But it was not till the time of St. Columba, who came from Ireland (565) and settled in Iona, afterwards denominated Icolmkil, a small island on the west of Scotland, that the king and the nobility abjured paganism and became converts to the Christian faith. These two celebrated ecclesiastics, as they were the first to introduce Christianity, were also the first to introduce literature into this country. In their respective seminaries at Whithorn and in Iona, both secular and theological learning were taught; and the scholars and clergymen that issued from these establishments soon spread, not merely over Scotland, but over various countries on the continent.—(*Smith's Life of Columba.*) These seminaries, particularly Iona, were the source from which the stream of intellectual attainments was derived and maintained; from which, as Dr. Johnson happily said, "roving clans and savage barbarians derived the benefits of knowledge and the blessings of religion." It may here be mentioned that the successors of Columba, and those who adopted his theological views, are known in history under the name of *Culdees*, supposed to be a corruption of *Cultores Dei.*—(*Jamieson's Hist. of the Culdees.*)

Monasteries.—In these rude and unsettled times, Iona and its subordinate seminaries, of which there were many throughout Scotland, could not expect to continue undisturbed. Accordingly, after a brilliant career of about three centuries, Iona, the parent establishment, was rased to the ground by bands of Danish and Norwegian invaders, and its inmates massacred. It recovered, however, from this shock, and new buildings were erected, of which the remains at this day are extensive and magnificent; but it maintained only a sickly existence; and soon after the introduction and spread of the popish faith, it was superseded and fell into disuse. This latter event took place in the 12th century, when the religion of the Culdees, whose tenets and institutions were much simpler than those of the new religion, was entirely displaced by that of popery. One of the great objects, indeed, of the popish clergy, was to gain influence by the establishment of monasteries,

and thus to supersede and suppress those of the Culdees. The first establishment of popish monasteries took place in the 12th century: indeed most of them were instituted at that time; and along with these, and under the same roof, they connected seminaries of education, which continued to be, for two or three centuries, the only seminaries in the kingdom. What literature and science prevailed were confined to the monks, and to those, whether laymen or clergymen, who availed themselves of the instruction which monastic establishments afforded. It, was, indeed, a common practice among the barons and higher gentry to board their children with the monks for the advantages of education. (*Chalmers's Caledonia*, i. 768. — *Irving's Dissertation.* — *Jamieson's Culdees.*)

Foreign Universities. — It cannot be said, however, that, under the auspices of these monasteries, literature flourished very eminently. The character of these institutions gradually became deteriorated: licentiousness and ignorance usurped the place of religion and knowledge; and the cause of education suffered accordingly. Scotland, in the mean time, produced many distinguished scholars and authors; but most of them owed their chief acquirements to foreign instructors. So little, indeed, was the estimation in which native science was held, that, in 1282, Dervorgilla, the daughter of Allan Lord of Galloway, and wife of John Baliol, founded and endowed a college at Oxford for the reception of Scotch students; and, in 1326, a college, known by the name of the Scotch college, was founded and endowed at Paris by David Murray, bishop of Moray, for a similar purpose. Scotch students also resorted to Cambridge, Salamanca, and other seminaries on the continent. The students of the university of Cambridge were, in 1270, classed by nations, of which five English, *three Scotch*, three Irish, and two Welsh collegians, were invested with a kind of rectorial power, for the purpose of maintaining order among their respective countrymen. — (*Irving's Dissertation.* — *M'Crie's Life of Knox*, vol. i.)

Scotch Universities. — But Scotland enjoyed, at length, the advantages of universities founded within the limits of her own territory. That of St. Andrews, the oldest in the kingdom, was founded by papal authority in 1413; that of Glasgow, by the same authority, in 1450; that of Aberdeen, also with the sanction of the pope, in 1494, though education did not commence there till 1500; and that of Edinburgh, the only one instituted since the Reformation, in 1582. The university of St. Andrew's consisted, at one time, of three colleges, instituted at different periods: St. Salvador's, St. Leonard's, and St. Mary's; but, in 1748, the two first were united, and the buildings of St. Leonard's were alienated and converted into dwelling-houses. The university of Aberdeen consists of two colleges: King's, founded, as just stated, in 1494; and Marischal College, instituted and endowed by George Keith, Earl Marischal, in 1593. The universities of Glasgow and Edinburgh contain one college each. None of these colleges or universities can be said to be liberally endowed; and, with the exception afterwards to be mentioned, none of them owe any considerable endowment to the Crown. They all at least owe their origin to the piety or love of learning of individuals, or of public bodies, not to the public spirit of the legislature. In early times the Romish church devoted some means to that purpose; the town council

of Edinburgh expended, from time to time, very considerable funds on the university of that city, and a large number of private individuals, at an early period of the history of these seminaries, bequeathed sums for extending the buildings, or for assisting in endowing some particular professorship, or for the general benefit of learning within their walls. St. Andrew's has pretty ample endowments, arising from the original foundation, from lands either gifted to the university, or purchased by its own accumulated funds, from tiends (tythes), royal grants, the donations of private individuals, &c., insomuch that, taking one class with another, the endowment of each professor averages about 230*l.* a year. The two colleges of Aberdeen possess funds of nearly equal amount, and derived from similar sources. The university of Glasgow is somewhat more richly endowed, being about 300*l.* on an average to each chair, exclusive of five *regius* professorships founded by the Crown, the aggregate endowment of which is 400*l.* On the other hand, the university of Edinburgh is comparatively poor in endowments, the average sum arising annually from this source to each of 24 professors (including the principal,) receiving it, being only 120*l.*; while there are seven professors (those of Pathology, Chemistry, Materia Medica, Theory of Physic, Practice of Physic, Midwifery, and Clinical Medicine,) who receive no salary. The principals of the different colleges (all of whose incomes are included in the foregoing averages,) receive no fees; but the professors, in addition to the stated annual endowment, reap the benefit of the fees of their respective classes, which fees range from 2*l.* 2*s.* to 4*l.* 4*s.* for each student. The above endowments of the principals and professors include an allowance for house-rent to those of them whose predecessors at one period had lodgings within the precincts of the different colleges. The town council of Edinburgh, who were from the first the patrons of the university of that city, and the Crown are the only parties authorized to found new professorships in that seminary. If a private party wish to found a chair, either by bequest or otherwise, the object cannot be attained without the sanction of the town council, which sanction, however, has never hitherto been refused. The first *regius* chair in Scotland, or the first chair founded and endowed by the Crown, was that of Church History in the university of Edinburgh, in 1695; and while there are several other chairs in the other colleges, there are no fewer than ten in this university. Of these ten chairs, six enjoy an endowment of 100*l.*; three above that sum; while one of them is unendowed altogether. Of the other chairs in the same university, scarcely two are endowed alike; a circumstance that arises from the different periods at which they were severally established, and from the taste or partiality of the various founders. (*Report of the Royal Commission of Inquiry into the State of the Universities of Scotland*, 1831.)

Bursaries.—Bursaries are endowments bequeathed for the support of students attending college. Of these bursaries, some are enjoyed by the students only for a single year, and others for a longer period, generally for four years. Some of them, according to the will of the testators, are in the gift of private individuals; others of public bodies: some of them cannot be given but after a comparative exa-

mination of candidates; while persons of a particular name, or from a certain district of the country, have a preference to others. Bursars, also, according to the same authority, are not unfrequently required to follow a particular course of education, or must be at a particular stage of their college studies before they are eligible to receive the benefit of such endowments. The conditions, in short, under which bursaries can be given away, or held, may be said to be as numerous as the number of their founders. It is very questionable if the influence and effects of bursaries are in general beneficial. Much of the money that has been left for this purpose has been alienated or misapplied; and instead of the existing bursaries being given to poor but meritorious students, the very reverse has at least as often been the case: bursars are not in general found the most assiduous or successful students; and many persons attend college solely because they can command a bursary, and not because they have any desire for learning, or wish to follow any other learned profession. Bursaries thus factitiously add to the number of students, without adding materially to the amount of learning in the country. At King's College, Aberdeen, there are 32 foundations for bursaries; their benefits are extended to 134 students: their aggregate value amounts to 1,771*l.* a year. There is here about one bursary to every *third* student. In Marischal College, there are 41 foundations for bursaries, whose benefits are extended to 114 students, being also one to about every *third* student. The annual aggregate amount is 1,150*l.* a year. In the United College of St. Andrew's, there are 21 foundations for bursaries, whose aggregate value is about 800*l.* a year; and the number of students who receive the benefit of them is 55, being at the rate of one bursary to every *fourth* student. In Glasgow College, the number of foundations is 29; their benefit is extended to 71 students; their aggregate value is about 1,287*l.* a year. In the university of Edinburgh there are 34 foundations for the benefit of 80 students; and the annual value of the endowment to the bursars will appear from the following table. We may mention that there are no bursaries about 50*l.* in any of the other universities; but all the bursaries vary in amount in a way somewhat similar to those here specified: —

Number of Bursars in Edinburgh College, as above stated		80
Of which there are		
Of the annual value of 100*l.* each	3	
Ditto ditto 30*l.*	6	
Ditto ditto 20*l.*	10	
Between 20*l.* and 15*l.*	4	
Ditto ditto 15*l.*	1	
Ditto ditto 15*l.* and 10*l.*	5	
Ditto ditto 10*l.*	6	
Ditto ditto 10*l.* and 5*l.*	42	
Under 5*l.*	3	
	—	80

Classes. — The number of professors in the different universities was originally very small. In the university of Edinburgh, for example, there was at first only one; a second was soon afterwards added; then a third; but there were not above six till nearly a century after its institution; these were, the principal, who was also professor of divinity; four *regents*, or professors of philosophy; and a

regent of *humanity*, (*literæ humaniores*,) now restricted to Latin. Each of the regents, we may here mention, conducted his class for four successive years, including in his course of instruction almost every branch of science and literature; logic, metaphysics, ethics, mathematics, and physics. The college curriculum extended to four years under the same professor; at the end of which time the students, if found qualified, graduated as masters of arts; and if they were meant for the church, they had to place themselves under the tuition of the professor of divinity. In proportion as the human mind was expanded, and as the desire of knowledge increased, new subjects of instruction were introduced, and new chairs established; and, consequently, greater and greater division of labour in teaching — an arrangement at first unknown — was at the same time recognised. These remarks apply, in a greater or less degree, to all the Scotch universities; but as we have not space to trace the subject at greater length, or with greater minuteness, we shall present our readers with a synoptical view of the present state of education in these seminaries. In order to render this view the more distinct, we shall divide the subjects of it into four departments: I. Literature and Philosophy; II. Theology; III. Law; IV. Medicine.

Branches.	Edinburgh Number of Professors.	Glasgow Number of Professors.	King's College, Aberdeen, Number of Professors.	Marischal College Aberdeen, Number of Professors.	St. Andrew's, Number of Professors.
I. Literature and Philosophy.					
Humanity	1	1	1	1	1
Greek	1	1	1	1	1
Mathematics	1	1	1	1	1
Logic	1	1	None.	Logic and moral philosophy conjoined.	Conjoined with rhetoric.
Moral philosophy	1	1	1	1	1
Natural philosophy	1	1	1	1	1
Rhetoric and belles lettres	1	None.	None.	None.	Conjoined with logic.
Agriculture	1	—	—	—	None.
Universal history	1	—	—	—	—
Astronomy	1	1	—	—	—
II. Theology.					
Divinity	1	1	1	1	1
Divinity and church history	1	1	None.	1	1
Oriental languages	1	1	1	1	1
III. Law.					
Civil law	1	1	1	None.	1
Law of Scotland	1	None.	None.	Law of Scotland and conveyancing conjoined.	None.
Conveyancing	1	1	1	1	1
IV. Medicine.					
Theory of physic	1	Theory & practice of physic conjoined.	None.	None.	None.
Practice of physic	1	1	—	—	—
Materia medica and pharmacy	1	1	—	—	—
Chemistry	1	1	—	1	—
Surgery	1	1	—	None.	—
Anatomy and physiology	1	1	—	—	—
Military surgery	1	None.	—	—	—
Pathology	1	—	—	—	—
Midwifery	1	1	—	—	—
Clinical medicine	1	None.	—	—	—
Clinical surgery	1	—	—	—	—
Botany	1	1	—	—	—
Natural history	1	1	—	Conjoined with civil history.	—
Medical jurisprudence	1	None.	Only 1 professor of medicine.	Only 1 professor of medicine.	Only 1 professor of medicine.

Lectureships.—The King's and Marischal colleges, Aberdeen, have united in establishing lectureships, not professorships, on the following subjects:—Anatomy and physiology, surgery, materia medica, institutes of medicine, midwifery. These subjects are taught under the auspices of the two colleges, but the lecturers are not constituent members of the *Senatus Academicus;* a body composed solely of the professors. Marischal College has established two similar lectureships within its walls; but though the lecturers are not constituent members of the *Senatus*, we have thought it right, as they are virtually entitled to the distinction, to include them in the list of professors. There are two lectureships in the college of Glasgow; one on the structure, functions, and diseases of the eye; the other on the institutes of medicine; and money has been bequeathed to found a lectureship on chemistry in St. Andrew's. There are no lectureships in the university of Edinburgh.

Constitution of the different Universities.—The professors in the different colleges and universities form the constituent members of the *Senatus Academicus* of each. The *Senatus* has the privilege of conferring degrees; of determining the academical *curriculum*, and the uncontrolled management of their own affairs. There are two other functionaries, but those entirely of a civil nature, connected with these seminaries,—the Chancellor and Lord Rector. The chancellor is merely a nominal officer; but his duties, when they did exist, were of a visitorial nature; he also had the honour of presiding in the councils of the university. He is chosen by the *Senatus;* and his term of office is for life. The Rector is, in point of dignity, subordinate to the chancellor; but his powers have not, like his, fallen into abeyance: on the contrary, they are often called into exercise. He is the guardian of the statutes, privileges, and discipline of the university; and has the superintendence of all matters connected with the civil affairs of the seminary. He is, also, the judge ordinary, who, with the advice of assessors, generally chosen from among the professors of theology and law, hears and determines causes. The Rector is elected by the students, who are divided into four classes or sections, each section choosing a delegate. In case of an equality of votes, the former rector decides the preference. He is elected only for a year, but the same person is generally continued in office for two, sometimes for three years. The university of Edinburgh forms, in many respects, an exception as to these matters. It has no chancellor, and the Lord Provost of the city is Lord Rector *ex officio;* but this office had fallen into desuetude till within the last few years, when it has been nominally revived. The magistrates, whose predecessors may be regarded as the founders of the university, and who have been at all times its munificent guardians, possess the power of instituting new professorships, and of altering or modifying the academical curriculum. They are officially styled the patrons of the university. The Crown also assumes the right of instituting new professorships. The principal is officially at the head of the *Senatus*, and presides at its meetings. At one time, it was his duty to visit the different classes in the college, to examine the students as to their proficiency, and to see that the professors did their duty. But these duties have, of late,

been either almost or altogether laid aside. It is necessary that the principal of St. Mary's College, St. Andrew's, and of the university of Edinburgh, be a clergyman, as the former is exclusively a theological seminary, and as in the latter the principal is also officially first professor of divinity, though in this latter capacity no duties now devolve on him. In the other colleges, the principal may be a layman, though such is seldom the case. It is not incompetent for the principal to hold a professorship, or a living in the church: indeed such has generally been the case.—(*Grierson's History of St. Andrew's.—Bower's History of Univ. of Edinburgh.—Arnot's History of Edinburgh.— Cleland's Annals of Glasgow.*)

The following list (exclusive of the lectureships, already referred to) contains the number of chancellors, rectors, principals, and professors in the Scotch universities, with the dates respectively of the foundation of these seminaries: —

	When founded.	Chancellors.	Rectors.	Principals.	Professors.
St. Andrew's - -	1413	1	1	2	11
Glasgow - - -	1450	1	1	1	19
Aberdeen, King's College -	1494	1	1	1	9
— Marischal College	1593	1	1	1	12
Edinburgh - -	1582	None.	1	1	30

Number of Students. — The number of students who attend the Scotch universities is less now than it was 30 years ago; a result that cannot justly be attributed to the decay of learning or inefficiency of instruction in these institutions, for both learning and the mode of teaching, if changed, have been improved within that period. It results solely from other circumstances; of which we shall glance at only one or two. On the termination of the war in 1815, the opening for young men in the army and navy being comparatively shut, no small number of them had recourse to the learned professions, and thus swelled the number of students. From this great supply, the professions in question were soon overstocked, as is still the case; and now that the demand has ceased, the supply necessarily is diminished. Hence the universities suffer. The second cause consists in the present comparatively great expense of a college education. Not only are the class fees the same as during the war—though the price of every other commodity has fallen a third or a fourth—but the medical curriculum has been greatly enlarged both by the addition of classes not formerly reckoned essential, and by extending the time of study to at least four years. The recent institution of two colleges in London, and of one in Durham, may also have tended to withdraw students from the Scotch seminaries; not to speak of the erection of medical schools in Liverpool, Manchester, and other large towns. It is to these causes, and perhaps to others, to which we have not room to advert, that the reduction in the number of students must be attributed; not to any falling off in the character of the universities. Of one thing, also, we are sure, that, during the period in question, the desire for knowledge has not only increased, but increased

exceedingly. The aggregate number of students in the Scotch universities is, at this moment, above 3,550; of which Edinburgh has 1,459; of the remaining 2,091, Glasgow has above two thirds. The attendance at St. Andrew's and Aberdeen, particularly the former, is comparatively small.

The following table shows the number of students that annually matriculated in the university of Edinburgh from 1791-2 to 1835:—

Years.	Students.	Years.	Students.	Years.	Students.
1791-1792	1,279	1824-1825	2,198	1832-1833	1,908
1799-1800	1,330	1825-1826	2,134	1833-1834	1,754
1809-1810	1,980	1826-1827	2,141	1834-1835	1,662
1815-1816	2,097	1827-1828	1,102	1835-1836	1,580
1820-1821	2,116	1828-1829	2,161	1836-1837	1,504
1821-1822	2,181	1829-1830	2,099	1837-1838	1,459
1822-1823	2,344	1830-1831	2,023		
1823-1824	2,273	1831-1832	1,923		

This list contains the whole number matriculated during both the winter and summer sessions, as also all the theological students, whether regular or partial in their attendance. The greatest number of students was in 1822-3, when they amounted to 2,344. Since that time, the number has been regularly diminishing, particularly during the last three years; so that the total falling off since 1822-3 amounts to no less than 885.

The following table shows the proportion in which the decrease has taken place in the different faculties.

Years.	Literature and Philosophy.	Medicine.	Law.	Divinity.
1822-1823	930	867	274	273
1823-1824	907	870	260	252
1824-1825	939	777	233	249
1825-1826	822	891	298	223
1826-1827	761	858	286	236
1827-1828	738	807	335	222
1828-1829	745	859	301	256
1829-1830	716	896	277	210
1830-1831	676	840	292	215
1831-1832	650	810	273	190
1832-1833	627	824	273	184
1833-1834	602	718	241	193
1834-1835	529	703	240	190
1835-1836	511	679	217	173
1836-1837	517	625	191	171
1837 1838	493	605	176	185
Decrease since 1822-1823	437	262	98	88

Number of Graduates in Medicine.—The first attempt to have the different branches of physic regularly taught in the university of Edin-

burgh, was made so recently as the year 1720: soon after which, five professors in that faculty were appointed; and that number has been gradually augmented till the present time. Reckoning from 1726 to 1826, the total number of graduates amounted only to 3,070, or to an average of 30 *per annum*. But for the last twenty years the average is considerably above 100 a year.

Years.	Number of Graduates.	Years.	Number of Graduates.	Years.	Number of Graduates.
1815	82	1829	99	1835	117
1817	92	1830	107	1836	123
1820	121	1831	120	1837	105
1826	119	1832	112	1838	98
1827	160	1833	110		
1828	93	1834	110		

College Discipline.—The students are not required to reside within the walls of any of the Scotch universities, though when their numbers were small, and at an early period in the history of these seminaries, residence was imperative. They now reside wherever they may find convenient: it is enough that they attend the classes which they have entered; and observe becoming behaviour in their class-rooms, and within the precincts of the university. The superintendence of their respective professors, or of the *Senatus*, does not extend farther. Nor are they required to use any distinguishing academical dress, except in certain classes, in the university of Glasgow. Admittance to any of the Scotch colleges is not attended with any religious test, nor are there any religious exclusions. All sects enjoy the same privileges, whether Jew or Christian, catholic or protestant, episcopalian or presbyterian. No distinction in these matters is either known or thought of. The professors, however, are required by law to be presbyterians, and to subscribe the Confession of Faith, and the standards of the established church; but this law is sometimes overlooked, and it is supposed to be falling rapidly into desuetude. The session lasts between five and six months, beginning in some of the universities in October, in others early in November; and terminating in the end of the ensuing month of April. There are in some of the colleges summer classes, which, however, last only three months, or from the beginning of May till the end of July. Each student must enrol his name in the *College Album*, and pay 1*l.* for a matriculation ticket, whether he mean to attend one class only or any greater number.

It may here be mentioned that a Royal Commission was appointed in 1826, for visiting the universities and colleges of Scotland; that the Commission took evidence and examined into the mode in which the universities were conducted—the system of instruction, their property, the appointment of professors, and into the whole state of these institutions; and that they gave in a voluminous report in 1830. Nothing has yet been done in consequence of the recommendations contained in that report; though a bill, founded on them, was introduced into Parliament in 1836, but ultimately withdrawn. The leading pro-

vision of this bill was the appointment, by his Majesty, of a general board of visitors over the several universities, as also of specific boards for each of those institutions; these visitors to have the same powers as those at present vested in his Majesty by his visitorial character, such as reforming the curriculum, abolishing old professorships and instituting new ones; regard being always had for vested rights. The board of royal visitors to terminate at the end of three years. It may also be mentioned that a similar board of visitors was temporarily appointed for the Scotch universities in 1690; and that the rules and regulations that have obtained in these seminaries, from that period to the present date, are substantially those determined and enacted by that board. Another Royal Commission was appointed in 1837 for making farther inquiry into certain of the Scottish universities; but that Commission has not yet made any Report.

Parochial Schools.

History. — We formerly stated, when speaking of the Scotch universities, that monasteries contained at one time the only seminaries of education then known in Scotland; and if any schools existed in the larger burghs at that very early period, they were under the patronage of some religious house. Long prior to the Reformation there seem to have been such seminaries, where Latin was taught, as also common elementary institutions called "lecture schools," for affording instruction in the vernacular tongue. It was indeed so early as 1494, that the subject attracted the attention of the Scotch parliament; at which time it was enacted that "all barrones and freehalders that are of substance, put their eldest sonnes and aires to the schules, fra thay be six or seven years of age, and to remaine at the grammar schules quhill they be competentlie founded, and have perfite Latin and thereafter to remaine three years at the schule of art and jure [law], swa [so] that they have understanding of the lawes." — (*Acts of the Scotch Parliament*, 1494, c. 54.) These grammar schools, however, were generally attached to some religious establishment, and were all not only subject to the church, but considered as forming part of the ecclesiastical establishment.—(*Dunlop's Parochial Law*, § *Schools.*)

After the Reformation, the establishment and maintenance of schools became an object of constant and anxious attention on the part of the protestant clergy. Even in the First Book of Discipline, composed in 1560, it was recommended that every parish where there was a town of any reputation should have a schoolmaster, "able to teach the grammar and Latin tongue;" and that in landward parishes the minister "take care of the youth of the parish to instruct them in the rudiments, particularly in the catechism of Geneva." The Church never lost sight of this object: many acts of the General Assembly were passed on the subject; and when applying for the restitution of the church property, the endowment of schools was never forgotten by the ecclesiastical courts.—(*Buik of the Universal Kirk.—Dunlop, ut suprà.*) But though the clergy uniformly exerted themselves to the utmost, and took the subject of education exclusively under their

superintendence, and of course used all their influence with the legislature to co-operate with them in carrying their views into effect, it was not till the year 1616 that the government can be said to have interfered. In that year the Privy Council interposed their authority, and enacted "that in every parish of this kingdom, where convenient means may be had for entertaining a school, a school shall be established, and a fit person appointed to teach the same upon the expense of the parishioners, according to the quality and quantity of the parish." Episcopacy then predominated; and this act was directed to be carried into effect "at the sight and by the advice of the bishop of the diocese in his visitations." In 1633 the act of Council was ratified in Parliament.—(c. 5.) This was the first legislative enactment authorising the establishment of parish schools; and it provided also so far for their endowment. The bishops of the several dioceses were empowered, with the consent of the landholders, and the majority of parishioners, and if the former refused, with the consent of the latter alone, "to set down and stent upon every plough and husband-land, according to its worth, for the maintenance and establishing of the said school."—(*Dunlop, ut suprà.*)

During the civil wars a more enlightened act was passed (1646, c. 46.), which, though rescinded at the Restoration, was adopted almost *verbatim* in the celebrated statute of William and Mary in the year 1696, the foundation of the present parochial system. This latter statute is as follows. The estates of parliament "considering how prejudicial the want of schools in many congregations hath been, and how beneficial the providing thereof will be to the kirk and kingdom, do therefore statute and ordain that there be a school founded, and a schoolmaster appointed, in every parish (not already provided), by advice of the presbyteries; and to this purpose, that the heritors (landholders) do in every congregation meet among themselves, and provide a commodious house for a school, and modify a stipend to the schoolmaster, which shall not be under 100 merks (*5l. 11s. 1⅓d.*) nor above 200 merks (*11l. 2s. 2⅔d.*), to be paid yearly at two terms," &c. The land was burdened with the payment of this stipend according to valuation. And on the failure of the heritors to carry into effect the provisions of this law, the several presbyteries were authorised "to nominate 12 honest men within the bounds, who shall have power to establish a school, modify a stipend for the schoolmaster, and set down a stent tax for the heritors, which shall be as valid as if done by themselves."—(*Acts of the Scotch Parliament; Dunlop.*)

The provisions of this statute were carried into effect immediately in most parishes, though in others not till a comparatively recent date. In some few parishes, however, situated in remote parts of the country, the statute has been a dead letter till within the last few years; and even in the populous and important parish of North Leith, there never yet has been a parish school, though the heritors are now taking steps to have one established. There is also no parish school in Closeburn, though its place has been admirably supplied by a school founded and amply endowed, in 1723, by John Wallace, a native of the parish, who realised a considerable fortune in Glasgow.—(*New Stat. Acc. of Scotland,* § *Parish of Closeburn.*) But it may be said, with extremely

few exceptions, that every parish is now provided with one or more schools, with the legal salary attached to them.

Salary of Schoolmasters. — The stipend or salary of schoolmasters continued as fixed by the statute of William and Mary, 1696, till 1803, when it was enacted (43 Geo. III. c. 54.), "that from and after the term of Martinmas next, the salary of each parochial schoolmaster, in every parish in Scotland, shall not be under the sum of 300 merks Scots (16*l.* 13*s.* 4*d.*) *per annum*, nor above the sum of 400 merks (22*l.* 4*s.* 5⅓*d.*), except in the cases herein-after mentioned." These exceptions are thus explained: — "That in case of those parishes which consist of districts, detached from each other by the sea, or arms of the sea, or of one or two islands, or where it is otherwise of great extent or population, so that one parochial school cannot be of any effectual benefit to the whole inhabitants of such parishes, it shall be competent to the heritors and minister, if they shall see cause, on fixing a salary of 600 merks, or the value of three chalders of oatmeal, to divide the same among two or more teachers, according to the extent and population of the parish," the mode in which these proportions shall be applied being fixed by the statute. But in cases where the heritors have to pay a higher salary, they are exempted from the obligation of providing school-houses, dwelling-houses, and gardens, for the teachers among whom this higher salary is to be divided. To the other teachers, with the salary above specified, the heritors have to provide, "a commodious house for a school," a dwelling-house, "not to consist of *more* (it is supposed that *less* was meant) than two apartments, including the kitchen," together with ground for a garden, which shall contain, at least, a quarter of a Scotch acre. This garden is to be inclosed; but in lieu of the garden, it is competent to make an addition to the salary of the teacher, at the value of eight bolls of oatmeal per acre; the value of this allowance to be determined by the fiar prices of the year. The salary cannot be diminished; but provision is made for its being augmented at the end of every 25 years from the passing of the act. This augmentation proceeds on the following principle. At the date of the passing of the act, the chalder of oatmeal was estimated at 200 merks. At the end of each 25 years, the value of the chalder is to be determined by the fiar prices throughout the different counties of Scotland; and according as that value is higher than 200 merks, the salaries of the schoolmasters are to be proportionally augmented. In 1828, the end of the first 25 years, the salary of each parochial schoolmaster, agreeably to this principle, was raised upwards of a third; the *maximum* in a parish where there is only one endowed school, being 34*l.* 4*s.* 4$\frac{1}{6}$*d.*; the *minimum*, 25*l.* 13*s.* 3$\frac{3}{6}$*d.* At the end of another period of 25 years, another augmentation may take place; but, whatever be the price of grain, the salary cannot be lower than the sum already fixed. — (43 Geo. III. c. 54. — *Dunlop.*)

Number of Schools. — From the provisions of the act of the 43 Geo. III., as stated above, it appears that certain parishes may have one or more endowed schools; and such is the case. There are 916 separate parishes in Scotland, exclusive of the *quoad sacra* parishes; and the total number of schools, endowed by the act in question,

amount to 1,162; so that there are 146 secondary or *side* schools endowed. Generally, there is but one secondary school in a parish, but sometimes more. The average endowment of these 1,162 schools is 25*l.* 10*s.*, making the aggregate salaries 29,642*l.* — (*House of Commons Papers*, vol. vii., 1837. *Report relative to the Fund for the Relief of the Widows and Children of Burgh and Parochial Schoolmasters in Scotland for* 1835, p. 120.) This endowment, including all Scotland, amounts to about 15*s.* per 100*l.* of the valued rental. This does not include the newly endowed parliamentary parishes in the Highlands, 41 in number.

Branches of Education. — The heritors and ministers of parishes have the power of determining the branches which a schoolmaster, on induction, must be competent to teach. These, of course, vary somewhat in different parishes. In burghs, there is often a separate school for classics only; sometimes classics and French. But taking the whole parochial schools, the branches are very numerous: Latin, Greek, French, arithmetic, mathematics, geography, book-keeping, and the more elementary departments of an English education. There are very few schools whose teachers do not undertake all these branches, except, in some instances, Greek, French, and mathematics. In *side* schools, however, the classics are seldom required as a necessary qualification on the part of candidates for the office. The law makes no provision for the payment of assistant teachers; if an assistant be employed, he falls to be paid by the person employing him. Most of the teachers have received a university education. In the three counties, for example, of Aberdeen, Banff, and Moray, out of 137 teachers, there are only 20 who have not studied at college. — (*Report, ut suprà.*)

Induction of Schoolmasters. — When a parish school becomes vacant, the election of a person to fill up the office must be made within four months from the date of such vacancy. The right of election resides in the heritors and minister of each parish: but, if the election should not take place within the time specified, the privilege of appointing the teacher, *tanquam jure devoluto*, is transferred to the commissioners of supply of the county. But, though the right of election rests with either of these parties, the person chosen by them is not really schoolmaster till he has undergone an examination before the presbytery, which has the power, if he be found unqualified, or if his moral character be objectionable, to nullify the election; in which case a new election must take place. The decision of the presbytery is final in all matters respecting schoolmasters; unless when a civil question arises, which may be carried by the teacher before the court of session. All parochial schoolmasters must be members of the establishment, and are required, on induction, to subscribe the confession of faith, and the standards of the church. Every presbytery is understood, by means of a deputation of their members, to visit and examine the various schools within their limits once every year; they should also report, annually, on the state of schools to the General Assembly; but this is not uniformly done.

Burgh Schools. — The provisions of the act 43 Geo. III. are expressly declared not to extend to the case of "a parish which consists

only of a burgh, or a part of a royal burgh." The truth is, schools were established in most of the royal burghs, and endowed by the magistrates, long prior to the establishment of parish schools. The election of schoolmaster for royal burghs is vested in the magistrates; and the authority and superintendence of the church are not recognised in such cases. In some burghs the endowment of the school is derived partly from the heritors, and partly from the magistrates; but, even in this case, the latter possess the right of nomination, and exercise full control over the schoolmaster, independent either of the presbytery or heritors.—(*Dunlop, § Burgh Schools.*) The aggregate number of 1,162 schools, given above, includes burgh schools.

School Fees, &c.—The heritors and minister have not only the right of determining the branches of education which a schoolmaster must be qualified to teach, but also of fixing the amount of fees to be paid by the scholars. The schoolmaster is farther bound to teach gratuitously "such poor children of the parish as shall be recommended by the heritors and minister, at any parochial meeting."—(*Dunlop.*) In the three counties of Aberdeen, Banff, and Moray, out of 7,674 scholars, there are 767, or a tenth of the whole, thus taught gratuitously; but this, we have reason to think, is above the average of the kingdom. The fees are, in general, exceedingly low; sometimes so low as 1*s.* per quarter for English. In the burghs, they are about 5*s.* per quarter for English, writing, and arithmetic; and 7*s.* 6*d.* for languages. The following list shows the ordinary amount of fees for different branches, in the three counties now mentioned; and we believe that, with very little variation, it may be applied to all the parochial schools of Scotland: it is, indeed, rather above than below the average:—

Branches.		Fees per Quarter.					
English reading	from	1*s.*	6*d.*	to	2*s.*	6*d.*
English, with penmanship	—	2	0	—	3	6
English, penmanship, and arithmetic	—	2	6	—	4	0
Mathematics	—	3	0	—	10	6
Latin	—	2	0	—	7	6
Latin and Greek	—	5	0	—	10	6
French	—	5	0	—	10	6

Geography and English grammar are sometimes taught, in conjunction with English, without any additional fees: at other times, an additional charge is made. Courses of book-keeping, navigation, or mensuration, are generally charged separately, being from 10*s.* 6*d.* to 21*s.* each course.—(*Report of the Trustees of Dick's Bequest.* Edin. 1835.)

The following table shows the relative numbers (in the counties of Aberdeen, Banff, and Moray) that were found studying different branches of education; the total number of scholars being 7,674. This table may be regarded as nearly applicable to all the parochial schools of Scotland.—(*Report of Trustees, &c.*)

Branches.	Number of Scholars.	Branches.	Number of Scholars.
English - -	7,400	Geography - -	175
Writing - -	4,105	Latin - - -	433
Arithmetic - -	2,422	Greek - -	36
Mathematics - -	122	French - -	2

We have previously stated the average fixed salary of parochial teachers at 25*l.* 10*s.*; and the school fees average somewhat less, the aggregate being 20,717*l.*—(*House of Commons Papers, ut suprà*); so that their annual income may be taken at about 48*l.*, exclusive of house and garden. In the majority of parishes, however, they have slight additional emoluments, arising from their being session clerk, and, in some instances, precentor. They also have small perquisites for making up militia lists, enrolments under the Reform Act, &c. But, including all these sources of emolument, we are rather beyond the mark when we say that their average incomes do not exceed 55*l.* a year. But in many parishes, perhaps about 100, money has been placed in *mortmain*, or bequeathed by benevolent individuals for the better endowment of parish schools, in addition to the legal salary. The revenue arising from this source, which is often very trifling—not exceeding 1*l.* or 2*l.* a year, though sometimes very considerable—is not included in the foregoing calculation.

Society for Propagating Christian Knowledge.

But parish schools—admirable though they be as far as they extend—are too few and too thinly scattered to embrace the children of the entire community. This deficiency seems to have been felt even at a time when the population of Scotland was only about half what it now is; and means were adopted to supply it. So early, indeed, as the year 1701, a few private individuals in Edinburgh formed themselves into an association now well known under the title of "The Society in Scotland for propagating Christian Knowledge;" the object of which was, by means of schools, to disseminate religious instruction, and thus to promote moral improvement. The General Assembly lent their countenance to the plan by issuing proposals (in 1707), in the view of forwarding the objects for which the society was instituted. In 1709, it obtained the patronage of Queen Anne, who granted letters patent under the Great Seal of Scotland for erecting the subscribers into a corporation. The grand object of the society, as described in the patent, was, as it still is, "the promoting of Christian knowledge, and the increase of piety and virtue within Scotland, especially in the Highlands, islands, and remote corners thereof, where error, idolatry, superstition, and ignorance do mostly abound, *by reason of the largeness of the parishes and the scarcity of schools.*" The schools instituted and supported by this society are of two kinds. Those on the first patent (granted by Queen Anne) are exclusively for literary and religious education: those on the second patent (granted by George I.) are chiefly schools of industry for the instruction particularly of female

children in spinning, knitting, sewing, &c.; but where the ordinary branches of education are also taught, when there is no other school in the neighbourhood. The second patent schools are taught solely by females. The society has also under its employment catechists and missionaries, which last are ordained clergymen of the established church. The duty of the catechists is to go from house to house, in a given district, to read and expound the Scriptures to the different families, and to catechise or examine them. The society has accumulated a capital of about 100,000*l.*, — the result of donations, annual contributions, and legacies. The capital is vested in land, mortgages, and government funds. They have an annual sermon preached in Edinburgh, when a collection is made for behoof of the funds. All these sermons have been published, and have appended to them the reports of the society. The following table shows the extent of their operations, which have regularly been increasing, in 1835.—(*Scheme of the Society's Establishment*, 1835. *Report for* 1833, *containing a History of the Society by John Tawse, Esq. Advocate.*)

Number of Schools, &c.	Average Number of Scholars in each.	Total Number.	Average Salaries.			Total annual Amount of Salaries.		
			£	s.	d.	£	s.	d.
159 schools on first patent -	79⅓	12,619	15	13	0	2,488	10	0
94 schools on second patent	20 26/47	1,952	5	1	1	479	0	0
29 superannuated teachers on first patent -	- -	500	11	11	0	335	0	0
20 do. on second do. -	- -	- -	4	13	0	93	0	0
9 missionaries - -	- -	- -	43	6	8	390	0	0
29 catechists - -	- -	- -	9	6	6⅔	270	10	0
340		15,071				4,056	0	0

All the society's teachers, male and female, receive fees from their scholars. All the teachers on the first patent have a house, garden, and pasture for a cow, — accommodations generally, if not always, contributed by the landholders of the place in which the school is placed; indeed, as a condition of its being so placed. The landholders, it may be remarked, have been always found extremely liberal on this point, and in every other respect as regards this excellent society. The operations of the society may be said to be confined exclusively to the Highlands and islands: at least, of 340 functionaries, only six teachers and one missionary are stationed south of the Forth and Clyde. When the society was instituted, neither the Bible nor any religious book had been translated into the Gaelic language; they have supplied this great defect. Not only have they had the Scriptures translated into that language, but a great variety of religious works, either solely or partially at their own expense. All the teachers are obliged to teach Sunday schools. — (*Scheme and Report*, as last quoted.)

The General Assembly's Education Committee.

But, notwithstanding all that the Society for propagating Christian Knowledge had done, the state of education in the Highlands and islands, was found to be very defective. In 1824, the General Assembly appointed a committee to inquire into the existing state of education and religious knowledge throughout Scotland. This committee ascertained that, in the south and east parts of the country, the number of schools was ample, and that scarce an individual could be found who had not been taught to read. The result of their inquiries as to the rest of Scotland was far from being so favourable. They discovered that, in the north-west parts, there were not fewer than 10,500 children, under 15 years of age, destitute of the means of education, and that not less than 250 additional schools were necessary: and they have since ascertained that the total number of persons of both sexes, of six years of age and upwards, in all the parishes of the Highlands and islands, unable to read either in the English or Gaelic language, amounts to 83,397. Nor is the state of education in the Lowlands, particularly in cities, found to be so favourable as the committee at first was led to believe. In five parishes in Glasgow, for example, it has recently been proved that there are no fewer than 1,432 persons of both sexes, of 15 years of age and upwards, unable to read.

The General Assembly's Committee has been annually continued; and has now, indeed, become a permanent body. By means of subscriptions, donations, church collections, and bequests, they have accumulated a capital stock of upwards of 7,000*l.*, and their annual expenditure is between 2,000*l*, and 3,000*l*. They have 89 schools in operation; and they contemplate a speedy extension of the number. A Sunday evening school for giving instruction in religion is attached, as part of the system, to each of these seminaries. To teachers who can teach the higher branches, such as Latin, mathematics, &c., they give a salary of 25*l.*; to those professing to teach only the ordinary elementary branches, 20*l*. The teacher has, besides, the free accommodations of a school and dwelling-house, with a garden, fuel, and a small croft; accommodations either provided by the heritors, or by the people immediately interested, on the same principle as that (explained above) adopted by the Society for propagating Christian Knowledge. The teachers are allowed to charge fees, to the same amount as are levied at the parish school: but in many instances no fees can be obtained, owing to the poverty of the people: in others, reduced fees are taken; and when full or partial fees are paid, it is not always in money, but sometimes in produce or kind, and sometimes by an equivalent in assisting the teacher in his garden or croft. It is ascertained that the total amount of fees does not exceed 5*l.* per annum for each teacher. There are libraries attached to the schools, the books being issued for the benefit of the scholars, and of those who attend the Sunday evening schools.

From returns made from 82 of the schools, the results are as follows: —

Number of Schools.	Total Number of Scholars.	Number of Scholars paying no Fees.	Number paying equivalents.	Number paying less than 5*l.* a year.	Number who pay more than 5*l.*
82	6,806	1,650	1,610	3,137	409

The following table gives a view of the existing state of these schools: —

Total Number of Schools.	Total Number of Scholars.	Numbers learning.							
		Gaelic.	English.	Writing.	Arithmetic.	Book-keeping.	Geography.	Mathematics.	Latin.
89	7,366	2,047	5,930	3,178	3,002	115	343	61	85

The committee publish a *report* annually, drawn up by Mr. John Gordon, secretary, and containing much valuable educational statistics. As mentioned, when speaking of the Kirk of Scotland, there are 41 newly erected government or *quoad sacra* parishes; and a law has just passed (1838) to the effect of establishing and endowing schools in each of these parishes. The committee are of opinion that a sum of 8,680*l.* per annum placed at their disposal, or that of any competent body, would be sufficient to complete the elemetary instruction of the whole inhabitants of Scotland. —(*Report for* 1833, p. 24.) It having been alleged, and not we think unjustly, that parish schools are not in so efficient a state as they are capable of being made, a Parliamentary Committee has (1838) been appointed to make inquiry on the subject, and to report.

Schools belonging to the Secession Church.

The Secession Church has, like the Establishment, taken much interest in the cause of education. A considerable number of congregations have schools, established by themselves, for the education of the children of their own members, though open to others. Congregations, in many instances also, have schools for the benefit of the poor. The number of schools, both in cities and in the country, thus owing their origin to the Secession Church, cannot be accurately estimated, but are very considerable, not less than 100; perhaps more. All other bodies of Christians, particularly all presbyterian dissenters, do the same.

In some of the schools maintained by the Secession, children of their own persuasion are educated either *gratuitously* or at *a reduced* rate. These schools are on a very large scale in large cities—Edinburgh for example—and form *models of good tuition.* Various schools are also instituted in towns by the Secession Church, for the education of the destitute poor *not* connected with them; and the *subscription schools* throughout the country are liberally supported by dissenters. In addition to all this, the dissenting ministers have (generally speaking), throughout their communion, schools which meet once or twice a week for religious instruction. The number of *Sunday schools* in Scotland is about 600, of which two thirds belong to dissenters.

Private or Voluntary Schools.

Under this designation we include all schools not comprehended under the previous heads of *Parish Schools*, Society for propagating Christian Knowledge, General Assembly's Education Committee, and Secession Schools. We have no very accurate data for ascertaining the exact number of these *voluntary* schools; but the following table will afford us some assistance in arriving at a pretty correct estimate: —

Place.	Total Number of Parish Schools, and others already described.	Number of Voluntary and Private Schools.
Five parishes in Glasgow - -	11	37
Counties of Aberdeen, Banff, and Moray	158	370
Synod of Orkney - - - -	36	50
Edinburgh (within the Royalty) -	18	about 70
Totals -	215	527

In these instances, the number of voluntary schools is 527, — more than double that of the others. But since the first edition was published, it appears from the *House of Commons Papers* (as quoted above), that the voluntary schools are to the established schools nearly as 4 to 1, or about 4,000 to 1,162. These papers make the number of parish schools only 1,043; but the Report of the Schoolmasters' Widows Fund gives 1,162 as the correct number, to which we have adhered.

Supposing that these schools are attended, at an average, by 50 pupils each, we shall have an aggregate attendance of 230,600; and adding to this number for female seminaries, for private boarding schools for boys, &c., and for children taught in private families by governesses and tutors, we shall find that about a *ninth part* of the population are being educated. This is, indeed, the exact proportion in the three contiguous counties of Aberdeen, Banff, and Moray. — (*Report of Dick's Bequest*, p. 155.)

We have already noticed that several of the parish schools, in addition to the legal salary, have been endowed, to a greater or less extent, by the benevolence of private individuals. Some of these schools have been so munificently endowed that education, as a condition of the grant, is free either to the whole population of the parish, or to a great proportion of them. The late James Dick, Esq. of London, bequeathed to the parochial schoolmasters (not in burghs) of the counties of Aberdeen, Banff, and Moray, such a sum as yields 25*l.* to each, in addition to his other emoluments.* The late Dr. Bell, whose name is so honourably connected with the history of education, either gave during his lifetime, or bequeathed, munificent sums for founding and endowing seminaries at St. Andrew's, Cupar, Fife, Leith, and Edinburgh. There is a species of schools established within the last 30 years, called *academies*, in the larger burghs, such as Edinburgh,

* The Report to the Trustees of this Bequest in 1835, so often referred to, is a very able paper; and reflects great credit on the ability and sagacity of the secretary, by whom it was drawn up.

Inverness, Tain, Montrose, Cupar, Fife, Dundee, Perth, Dumfries, Ayr, &c. They are either under the direct patronage of the subscribers by whom they have been founded, or of the magistrates. These academies and the ancient burgh schools, such as the High School of Edinburgh, are, perhaps, the best seminaries in Scotland, embracing all the necessary and ornamental branches of education, each taught by a separate master.

Mechanics' Institutions. — There are Mechanics' Institutions, or voluntary Associations for giving instructions by means of lectures, on scientific and philosophical subjects, established not merely in Edinburgh and Glasgow, but in all the larger towns and burghs throughout Scotland. These Institutions are flourishing in an eminent degree. The attendance, for example, on a course of lectures in the winter, 1837–8, at Dunfermline (a town containing 12,000 inhabitants), amounted to 800; while in Kirkaldy, the population of which is rather less, the attendance was so high as 1,000. These, however, are extreme cases; and the average attendance at these Institutions may be about 300. Of this number rather above the half are mechanics.

Sect. III. *Education in Ireland.*

The state of public education in Ireland has been latterly the subject of frequent parliamentary investigation. In 1807 a commission of inquiry was issued to several individuals in Ireland, of high literary character, who submitted the results of their investigation in a series of fourteen reports, ending in 1814, which contain a mass of accurate and well digested information, followed up by enlarged views of the means of removing defects and abuses, and of promoting the general improvement of the system. Their recommendations having been very partially acted upon, the constantly increasing importance of the subject, as a vital element of national welfare, led to the formation of a new board in 1824, under the name of Commissioners of Education, whose attention, though generally directed to the same objects as those of the previous commission, was more peculiarly turned to the state of education, both public and private, among the working classes. A third commission was issued to the same effect, in 1833, to a board called the Commissioners of Public Instruction. The reports of the Commissioners, together with those of other public bodies, to whom the management of particular departments of education had been delegated from time to time, as also the reports of the numerous voluntary associations for the same purpose, supply a mass of authentic information, in which the chief difficulty of investigation arises from the voluminousness of the materials. It is remarkble that an inquiry into the state of Trinity College, Dublin, which draws so large an income from public grants, and from its exclusive privilege of communicating a knowledge of the higher departments of science and literature to the sons of the nobility and gentry, preparatory to their admission into the liberal professions, formed no part of the instructions and consequently of the reports of any of these commissions.

The system of public instruction may be considered as being divided into the following leading departments: — Collegiate, affording instruction in the higher grades of science and literature; Classical, for the rudiments of the same branches; Mercantile or English, designed for the middle classes, who do not require a knowledge of the higher sciences, or of the learned languages; and Elementary, for the instruction of the great body of the population in reading, writing, and the simpler processes of calculation. The places of education of the first of these departments are, Trinity College, Dublin, the Royal College of St. Patrick's, Maynooth, the Belfast Academical Institution, the College of St. Iarlath in Tuam, and the Cork Institution.

Trinity College Dublin. — So early as the year 1311, John Leck, archbishop of Dublin, procured a bull from Pope Clement V. for the foundation of a university in Dublin, which was not acted upon. His successor Alexander de Bicknor obtained a similar bull from Pope John XXII., which was carried completely into effect. A code of statutes was drawn up for it, and a special writ of protection was issued in favour of the students resorting to it, whether from Ireland or England. The distracted state of the country, however, proved a bar to its prosperity; and after lingering in a state of obscurity till the time of Henry VIII., it was closed on the dissolution of the monastic institution at St. Patrick's, where it had been established. The town of Drogheda, once second only to Dublin in political and commercial importance procured an act of parliament in 1465 to have an university there, with the same privileges as that of Oxford, but no traces of the actual existence of such an institution are on record. After a fruitless attempt to restore the ancient university in St. Patrick's during the reign of Elizabeth, another was opened through the exertions of Archbishop Loftus, who prevailed on the corporation of Dublin to assign the ground and buildings of the dissolved monastery of All Saints on Hoggins Green, in the eastern suburbs, for its use, and procured a charter from the Queen erecting it into a corporation, consisting of a provost, three fellows, and three scholars, under the name of "The College of the Holy and Indivisible Trinity, near Dublin." The erection of the necessary buildings was forwarded by a voluntary contribution of the gentry throughout Ireland, in consequence of an appeal to them from the lord deputy; and means for its future maintenance, though on a very limited scale, were derived from royal grants. The first students were admitted in 1593. By a new code of statutes, framed in 1627, the number of fellows was fixed at seven, of scholars at seventy, and of probationer fellows at nine. By a subsequent charter, procured through the influence of Archbishop Laud, several material changes were made in its constitution, most of which continue to the present time. The nomination of the provost was reserved to the Crown. The fellowships, which had hitherto expired at the end of seven years after taking a master's degree, were made tenable for life. The nine probationary fellows were admitted to be members of the corporation, under the name of "junior fellows;" but the entire control, both as to discipline and finance, was vested in the provost and seven senior fellows, subject to the control of visitors nominated by the Crown, in

whom the right of ultimate appeal was vested. A special clause provided that no person should profess or teach the liberal arts in any other place in Ireland without a license from the Crown. During the Protectorate the university was nearly extinct, but was revived again, according to its previous forms, on the Restoration. At this period a proposal was made to found a second college in Dublin, to be of the university, and to be named the King's College. Lands were appropriated for it, and a liberal grant of money named, but the scheme was never carried into effect. During King James's residence in Ireland, a college was opened in Back Lane; but, having been transferred to Trinity College on the Revolution, it was soon after closed. The funds of the college had been considerably augmented by grants of lands in Ulster by James I., and elsewhere out of the forfeited lands by Charles II. In 1698 a new fellowship was endowed from a bequest of Dr. Richardson, bishop of Ardah; in 1724 three more were added from the funds of Erasmus Smith; in 1762 two more from the bequest of Provost Baldwin; and in 1808 three more were endowed out of the increased revenues of the university.

The entire government is vested in the following officers: — the Chancellor, which office is now filled by his Royal Highness Ernest Augustus, Duke of Cumberland; the Vice-chancellor, who has power to appoint a Pro-vice-chancellor in special cases; the Provost; the Vice-provost, usually the first of the seven senior fellows; two Proctors for regulating the forms of taking out degrees; two Deans and a Censor, to inspect the details of moral discipline; two Librarians; a Registrar, who performs the duties of secretary or actuary to the provost and senior fellows; two Bursars; a Registrar for the electors admitted under the Reform Act; an Auditor; six University preachers; four morning lecturers; and nine examiners. The ordinary details of management are superintended by the provost and senior fellows, who in this capacity are called "The Board," and hold a meeting every Saturday.

The system of instruction is carried on by means of professorships, lectures, and periodical examinations. The professors are as follow: — the Regius Professor of Divinity, established on the first foundation of the college; the Regius Professor of Civil and Canon Law; the Regius Professor of Feudal and English Law; the Regius Professor of Physic; the Regius Professor of Greek; a Lecturer in Divinity on the foundation of Archbishop King, in 1718; a second Lecturer of Divinity, founded under a bequest of Mrs. Anne Donnelan for the encouragement of religion, learning, and good manners; a Lecturer in Mathematics, founded by Arthur Earl of Donegal in the 17th century. From the funds of Erasmus Smith have been endowed the five professorships of natural philosophy, oratory, mathematics, history, and the Oriental languages. The professorship of astronomy arose out of a bequest of Provost Andrews in 1774, left by him for the erection of an observatory, and the maintenance of properly qualified persons to superintend it. The observatory has been erected at Dunsink near Dublin, where the professor, who bears the title of Royal Astronomer of Ireland, resides. He is required to make and publish a regular series of astonomical observations, and to

give instructions in the theory and practice of the science. This professorship, from the scientific qualifications of the individuals by whom it has been filled, the excellence of the apparatus, and the accuracy of the observations, stands high in the estimation of the scientific world. The professors of anatomy, chemistry, and botany were appointed under the act for the establishment of a complete school of physic in Ireland, passed in 1785. The school consists of the lecturers already named, and of three more on the foundation of Sir Patrick Dunn's hospital. A lecturer in natural history, to whom the care of the museum is intrusted, was appointed in 1816. A professor of political economy was appointed under a fund granted for the purpose by Dr. Whately, the present archbishop of Dublin. A catechist, with eight assistants, is elected annually from among the fellows. There are two professorships of modern languages, one of French and German, the other of Italian and Spanish.

The details of literary and scientific instruction, and the superintendence of the moral discipline of the students, are more especially committed to the junior fellows, whose number, at present eighteen, is kept up by an admittance after examination, in cases of vacancy. The examination, which is held on the four days preceding Trinity Sunday, is conducted by the provost and senior fellows. The subjects are, logic, mathematics, natural philosophy, morals, history, chronology, Latin, Greek, and Hebrew. The whole process is carried on in Latin. The candidates must be of the degree of Bachelor of Arts. The majority of votes, the declaration of which is preceded by the administering of the rites of the sacrament of the Lord's Supper to the examiners, decides the election. The successful candidate is considered as having secured a liberal and highly respectable independence for life: pecuniary premiums, sometimes to a large amount, are conferred upon those who, though unsuccessful, have displayed singular marks of genius or industry during the investigation. It may be mentioned here, that the frequency of these elections is considerably increased, by the circumstance of the College having at its disposal the presentation to twenty-one lucrative benefices in the northern dioceses. When any of these becomes vacant, it is offered to each of the clerical fellows in succession, commencing with the eldest. As the incomes of several of these benefices are a good deal more valuable than the average receipts of a junior fellowship,—as, likewise, the now indispensable qualification of celibacy to retain a fellowship, renders its possession, however desirable in a pecuniary point of view, irksome to many,—resignations of fellowships for parish livings are often made. By the late act for regulating the Established Church of Ireland, the archbishops of Armagh and Dublin are required to set apart a benefice not exceeding the annual value of 1,000*l.* out of each of the ten extinguished bishoprics, to which, when vacant, they are to nominate a fellow or ex-fellow of the college. In case of the acceptance of it by a fellow, he is to vacate his collegiate situation. This regulation will increase considerably the number of vacancies. It may be also added, that the incomes of the provost and senior fellows arise partly from the annual stipends of the professorships they hold, and partly from the college

lands, which are let on short leases periodically renewable on payment of a fine. The rents go to the general fund: the fines are applied to maintain the senior fellows. The provost derives his income from lands peculiarly appropriated to his use. The junior fellows also derive some part of their income from stipends issuing out of the funds of the university, and some part from minor professorships or lectureships; but their chief source of income arises from the fees of their pupils. Every student on admission, after an examination of some extent and strictness as to his proficiency in Greek and Latin, is bound to enter himself under one of the junior fellows, chosen by him at pleasure, who is afterwards looked upon as responsible for his pupil's general progress and moral conduct, and who aids his studies by courses of domestic lectures auxiliary to those of the public professors.

The chief stimulus to study arises from the periodical examinations. These were, until lately, held quarterly, at periods corresponding with the terms of the courts of justice. By a late regulation the year is divided into three terms, — Michaelmas, Hilary, and Trinity. Those of Michaelmas and Hilary are followed each by a short recess; that of Trinity by a vacation of three months. Each term commences with an examination, not only of the studies of that immediately preceding, but of the substance of most of those which had been previously gone over. The undergraduate course consists of four years, in each of which the students are distinguished by the titles of junior and senior freshmen, and junior and senior sophisters. The course of scientific instruction is as follows: — In the first year, mathematics; in the second, logic; in the third, astronomy and physics; and in the fourth, ethics; in addition to which the student must be prepared to answer in a certain portion of Greek and Latin selected from the classic writers. A twofold course of studies is laid down for each examination, the one for such students as look only to pass through the undergraduate course without blame: the other, more enlarged in scope, for those who aspire to academic honours. The prizes during the first three years are books of the value of 4*l.* and 2*l.*, given at the close of the year to the best answerers during the three examinations. At the close of the fourth year superiority is rewarded by an appointment to the moderatorships in physics and mathematics, in ethics and logic, and in classics. Other prices are awarded for extraordinary proficiency in particular departments of study.

Besides the classification arising from seniority, there is another founded on the student's station in society. According to this latter principle, they are arranged in four ranks: 1. Noblemen and baronets, stiled Nobiles, Filii Nobilium, and Equites, who are entitled to their degree at the end of two years. 2. Fellow commoners, who are entitled to graduate at the commencement of their fourth or senior sophister year. These, as well as the former class, pay a high annual stipend, and dine at the same table with the fellows in the Commons' hall. 3. Pensioners, who constitute the great body of the students; and, 4. Sizars, who are educated and partly supported out the general fund. Their number is limited to thirty, and admission is obtained

after a very strict examination held annually to supply vacancies. Each of these orders is distinguished by a peculiar dress.

The scholars form a distinct body among the undergraduates, dependent solely on literary merit; they are seventy in number, and are elected after an examination in the Greek and Latin classics previously studied, held at the close of the third year. A scholarship continues till the holder is entitled to the degree of Master of Arts, a period of from four to five years, during which he receives a trifling emolument, partly in money, partly in free-commons. Twenty scholars are admitted by election of the board to what are called natives' places, which gives some addition to their emoluments.

The comitia, for the conferring of degrees, are held twice a year, — on Shrove Tuesday, and on the Tuesday next after the 8th of July. The student, after having completed his undergraduate course, is styled a candidate bachelor: on being admitted to his degree he obtains necessarily year after year the titles of junior, middle, and senior, bachelor; he is then admissible, after having attended certain courses of lectures, to the degree of Master of Arts. A Bachelor of Divinity must be a Master of Arts of seven years' standing: a Doctor in Divinity must have been a Bachelor of Divinity of five years', or a Master of twelve: a Bachelor of Laws must be of six years' standing: a Doctor of Laws must have been a Master of six years'. The rules of admission for medical degrees require several special conditions of attendance on specific courses of medical lectures.

Trinity College is not only a literary but a political corporation: the charter of James I. vested the provost, fellows, and scholars with the privilege of sending two members to the Irish Parliament. The Act of Union restricted this number to one; but the original number was restored by the Reform Act, which also made a very great change in the constituency. The right of election was then extended to all members of the university of twenty-one years of age, who at that time had, or who should thereafter obtain, a fellowship, scholarship, the degree of Master of Arts, or any higher degree. To exercise this right, the elector's name must be retained on the college books, for which he pays an annual sum of 1*l.* Persons possessed of the above recited qualifications who had withdrawn their names from the college books were permitted to restore them on payment of a sum of 2*l.* The number of the constituency thus enlarged amounts at present to upwards of 3,150.

The buildings of Trinity College cover a large space of ground nearly in the centre of Dublin. They consist of three quadrangles, one of great extent and much architectural beauty; another also large, but of antiquated structure; and a third of smaller dimensions. The library is by much the finest, as well as the largest of the public buildings, being a gallery 210 feet long, 40 broad, and 40 high. The books are placed in recesses on each side: their number has been estimated at about 200,000. They were procured at first chiefly from donations and bequests, of which those of Archbishop Usher and Dr. Baldwin were the most important, and latterly by a clause in the copyright act of the 54th of Geo. III. which entitles the

university to one of the eleven copies appropriated to public institutions under that statute. The other public buildings are, the chapel, the theatre or examination-hall, which is enriched by a fine monument of Dr. Baldwin, — the museum, the dining-hall, the anatomy house, and the printing office; this last-named department enjoys the privilege of a drawback of the excise duty on all paper used in it for printing works of a religious tendency. The rest of the structure is appropriated to apartments for the residence of the fellows and students; attached to the buildings is a spacious lawn, well planted, for the recreation of the students, and two smaller pieces of ground for the exclusive use of the provost and fellows respectively.

The Royal College of S. Patrick, Maynooth, was founded for the education of persons designed for the Roman Catholic ministry in Ireland, in pursuance of an act of parliament passed in 1795. Previously to its foundation, students intended for the priesthood, after having received the rudiments of a classical education in a private school, obtained deacons' orders from a bishop at home, and then proceeded to complete their theological studies in one of the seminaries on the Continent, where they remained for three years; and, on their return, were admitted to priests' orders. The hope of detaching a body of clergy which possessed the spiritual control over a large majority of the population from the associations contracted by a long residence in foreign and frequently hostile states, and of binding them more closely to their parent country by conferring on them the advantage of a gratuitous education at home, in the principles of their own religion, were the leading motives that actuated the legislature in taking a step so opposite to the course pursued by their predecessors for upwards of a century preceding.

The college is placed under the direction of a board of trustees, at present consisting of seventeen persons of the Roman Catholic persuasion, of whom the four archbishops are members ex-officio. Vacancies are supplied by election by the board from the Catholic hierarchy and nobility, in the proportion of seven of the former to six of the latter. An additional board of control, under the name of visitors, was appointed by parliament in 1800, consisting of the lord chancellor of Ireland, the chief justices of the King's Bench and Common Pleas, the chief baron of the Exchequer, the four Roman Catholic archbishops, who also are trustees, and the Earl of Fingal. This board is authorised to hold a visitation triennially, or more frequently if so instructed by the lord lieutenant, and is invested with power to examine, on oath, on all points connected with the college. In matters connected with doctrine and discipline, the Roman Catholic members only are empowered to decide.

The officers charged with the superintendence of the details of the institution are, 1. the President, who, as well as all the others, must be a native and a subject of the British empire, of at least thirty years of age, and in priest's orders: this officer has the general direction and control of all the concerns. 2. The Vice-president, who assists the president and supplies his place in case of absence or sickness. 3. The senior and junior deans, whose peculiar duty it is to maintain discipline among the students. The ordinary routine of business is

conducted wholly by these officers, but in the appointment of professors and of senior students on the Dunboyne foundation, the number of the council is enlarged by the addition of the three divinity professors and the prefect of the Dunboyne establishment.

The professors rank according to the following order: — 1. Dogmatic theology. 2. Moral theology. 3. Hebrew and sacred scripture: these three are styled the Divinity Professors. 4. Natural philosophy and mathematics. 5. Logic, ethics, and metaphysics. 6. Greek and Latin. 7. English and French. 8. Irish.

The professors are elected by the trustees after an examination, or, as it is called, a concursus. The candidates are examined on four successive days, for two hours each day, before the president and council; each member of which, after having taken an oath to decide with impartiality, gives his suffrage in writing. The suffrages being received by the president, are enclosed and sealed in presence of the council, and laid before the board of trustees, who declare the successful candidate.

The number of students, on the first opening of the classes in October, 1795, amounted only to fifty: it has since progressively increased to 450; at which it is limited solely from the inadequacy of the funds to admit of further augmentation. These funds arise chiefly from a parliamentary grant, which at first was 8,000*l.*, but has since been increased to 8,928*l.*; 2,000*l.* from donations and bequests, of which the principal was from Lord Dunboyne, Roman Catholic bishop of Cork, who bequeathed his whole property to this college; but, on his will having been made the subject of litigation, a compromise was entered into, by which the institution receives 500*l.* per annum from this source. The income hence accruing is applied to the maintenance of an order of senior students nominated from the four ecclesiastical provinces. The peculiar object in forming this order was to provide a permanent supply of persons properly qualified, not only from their literary acquirements, but from their proficiency in the science of education, to act as professors in cases of vacancy: these students are therefore required, in addition to their usual literary avocations, to take part in the business of instruction. Their number is limited to twenty. An allowance of 60*l.* a year is granted to each; but, as the half of this is deducted for board, and other collegiate expenses, their actual pecuniary income is but 30*l.* a year. An officer, styled a prefect, is placed over this order. A legacy of 1,000*l.* by a gentleman of the name of Keenan, for the special purpose of endowing a professorship of the Irish language, has since been appropriated accordingly. Thirty bursaries have been founded, of different annual amounts from 30*l.* downwards, either by bequest, or by some of the Roman Catholic bishops for the benefit of their own dioceses. All these sources of income having been found inadequate to the support of those wishing to enter the college, two new orders of pupils have been formed under the name of pensioners and half-pensioners, the former of whom pay 21*l.* per annum for their board, and the latter half that sum. These payments, together with an entrance fee of eight guineas from each free student, and half that sum from each of the pensioners, the other half being paid on their becoming free stu-

dents, make up the deficiency. The nomination of free students is vested in the bishops, who hold yearly examinations in their respective dioceses of the young men who seek for admission. The usual age for admission is 17. The number of free presentations is 250, which are filled up from the four ecclesiastical provinces in the proportion of 75 each for Armagh and Cashel, and 50 each for Dublin and Tuam. The free students are supplied gratuitously with lodging, commons, and instruction: any other personal expenses must be defrayed by themselves. At the commencement of the institution, a portion of the buildings was appropriated for a lay college, but the different systems of discipline applicable to the two departments presented such insuperable obstacles to good government, that this department was relinquished in 1817, and the buildings previously assigned to it were applied to the accommodation of the ecclesiastical students. There are, therefore, three orders of students, — senior students, pensioners, and free students. The course of studies is arranged in seven classes, each of which ordinarily occupies a year. The first is the humanity class, in which attention is chiefly devoted to the Latin and Greek languages, together with catechetical lectures in the Old and New Testament; the second year is devoted to rhetoric and belles lettres; the third to logic, ethics, and metaphysics; and the fourth to mathematics and natural philosophy: the three concluding years are set apart exclusively to the study of divinity, under the three subdivisions of dogmatic theology, moral theology, and Hebrew and scriptural studies. The reading of the classic authors is kept up throughout all the courses. Public examinations, at which prizes are distributed, are held twice a year.

The strictness of the discipline observed in this college may be inferred from the following summary of the daily arrangement of time throughout the year, excepting only that one hour is subtracted from the time of study during winter. Half-past five, public prayer — six, public study — half-past seven, mass — eight, breakfast — nine, public study — ten, class lecture — half-past eleven, recreation — twelve, public study — half-past one, class lecture — three, dinner — five, class lecture — six, public study — eight, supper — nine, public prayers — at half-past nine all retire in silence to their chambers. The periods of recess from this course of discipline are two months' vacation in summer, and a few days at Christmas, Easter, and Pentecost; but at such times the students seldom leave the college, as the previous permission of the prelate by whom they were recommended must be obtained. All the students are dressed in black on Sundays and holydays, and in grave coloured garments on other days: they wear caps and gowns both within and without the college, out of which they are permitted to walk but once a week, and then only when accompanied by the dean.

The site fixed on for the seminary was a tract of fifty-four acres adjoining the town of Maynooth. The buildings, which form three sides of a quadrangle, comprise the chapel, the refectory, the library, the lecture-rooms, the dormitories, and the residences of the professors. The library contains about 10,000 volumes, chiefly on theological subjects.

There is much room for doubt whether the advantages anticipated by government from this institution have been realised, or, if realised, whether they are not more than counteracted by corresponding disadvantages. There seems to be a very general opinion, among those who have the best means of judging, that the Catholic clergy educated at Maynooth are less intelligent, less liberal, and less gentlemanly in their manners than their predecessors; and we should be inclined, on general grounds, to think that this must be the case. The Catholic clergy educated abroad were generally of a superior class to those educated at Maynooth; the scholastic instruction they received in the foreign seminaries was not, perhaps, better than what they now receive at home, but it is pretty certain that their scientific* and general education was incomparably superior, and that they were less strongly imbued with sectarian prejudices. The pupils at foreign seminaries mixed much more with the world, especially with the upper classes, than those educated at Maynooth; their opportunities for observation were, consequently, much greater; and their minds were necessarily liberalised by their familiarity with tastes, habits, and modes of thinking widely different from their own. The students now at Maynooth belong, with but few exceptions, to the middle and lower classes of Catholic farmers and occupiers. The discipline to which they are subjected appears, judging from its effects, to be well fitted for forming skilful controversial divines, and zealous Catholics; but in all that tends to expand and liberalise the mind, it is exceedingly defective, and the society of the student during the period of vacation, provided he be allowed to leave the college, is better calculated to increase than to supply this defect. It is difficult to see how this unfavourable state of things is to be amended. Some have proposed opening the general classes of Trinity College to Catholics as well as Protestants; and others have suggested the formation of a new establishment, where clergymen of both sects might be educated, the literary and scientific classes being common to all the students, and there being, at the same time, separate courses of theology by Catholic and Protestant professors for the students of each persuasion. Either of these plans would, no doubt, materially weaken prejudices, and introduce greater liberality of opinion: but both the one and the other is opposed by great and, we fear, all but insurmountable obstacles.

Royal Belfast Academical Institution. — The want of a place of liberal education, which might preclude the necessity of having recourse to Dublin or Scotland, to acquire instruction in the higher branches of literature and science, suggested the idea of forming an institution to meet this want in the town of Belfast. A plan to effect it was laid before the public by the originators of the measure, in 1807, which was received with such general approbation that, in a few weeks, a fund of 16,000*l.* was raised in the town and its vicinity, which

* If one might take the examination of the reverend professor of mathematics, by the Commissioners of Education, as any test of the state of mathematical learning at Maynooth, it would be at a very low ebb indeed. It is to be hoped that some improvement has been made within the last seven years.

was soon after augmented to 25,000*l.* by subscriptions from other parts of the United Kingdom; and, through the instrumentality of the Marquis of Hastings, from the East Indies. In 1810 the institution was incorporated under the name of the Belfast Academical Institution, by Act of Parliament, by which the governing body was directed to be vested in two boards,—one of managers to superintend the financial department, the other of visitors to regulate the details of instruction and discipline (each to be elected by and from among the subscribers), together with the Lord Primate, the Marquis of Donegal (who had granted a portion of land adjoining the town at a low rent as a site for its buildings), the Bishops of Down and Connor, and of Dromore, specially named in the act of incorporation. The act requires that all bye-laws be submitted to the Irish Privy Council; and, if not disapproved of by that body within thirty days, they are to be of full force until repealed or altered by the body that framed them. The fund subscribed having been wholly expended on the buildidgs, an annual grant of 1,500*l.* for the payment of professors and teachers was given by parliament; at the close of two years it was withdrawn in consequence of the expression of peculiar political opinions by some of the teachers at a public meeting, but was renewed in 1824 at the recommendation of the commissioners of education. The institution is divided into a collegiate and a school department; the former consists of the professors of natural philosophy, moral philosophy, logic and belles lettres, mathematics, Hebrew, Latin, and Greek, and anatomy, all appointed by the joint boards of managers and visitors; and two professors of divinity, appointed by the general synod of Ulster, and the seceding or presbyterian synod of Ireland. These professors were formed into a board of faculty in 1818, for regulating the details of instruction and discipline in their own department. The school department consists of rudimental schools for teaching Greek, Latin, Italian, French, English, mathematics, geography, and drawing; each course being superintended by a separate master: the teachers in this department form a second board of faculty. The course of study and discipline in the collegiate department resembles that of Glasgow college, the professors giving their instructions in an annual session, commencing in November and ending in May. The school system is similar to that adopted in the other great schools in Ireland. Public examinations are held in summer at the close of the annual session. The number of students is about 400, divided nearly in equal proportions between the two departments. The synod of Ulster recognises the general certificate of the higher faculty as equivalent to a degree of Master of Arts in Glasgow, or of Bachelor of Arts in Dublin. The buildings, which are limited in extent, and without any pretension to architectural elegance, contain lecture-rooms for the professors, apartments for the instruction of the junior pupils, with accommodations for boarders, a museum, and a library. The fees of pupils in both departments are moderate, and free scholars are admitted under certain limitations upon a certificate of an original subscriber of 100*l.* or upwards.

St. Iarlath's College, Tuam.—The College of St. Iarlath was

founded in 1814 by the late Dr. Kelly, Roman Catholic archbishop of Tuam. It consists of a pincipal, three ecclesiastical, and two lay professors. The course of study comprehends Theology, Hebrew, Greek, Latin, Italian, and Irish, and is modelled so as to serve as a preparation for the lay professions as well as for admission into the Roman Catholic ministry. The college is already possessed of a library of 2,000 volumes. The number of pupils is about 140 designed for the church, and 35 for lay professions, besides a fluctuating number of elementary pupils. The college is supported by the fees of the students, aided by an annual subscription of 2*l.* from each parish priest in the diocese.

The Royal Cork Institution.—The Royal Cork Institution was incorporated by charter, in 1807, for the purpose of delivering courses of lectures in natural philosophy, chemistry, natural history, and agriculture: an attempt to introduce courses of moral philosophy and rhetoric was unsuccessful. The lectures are open to the public, and are delivered both in the morning and evening. The lecturers receive salaries of 100*l.* each. The institution also maintained a library and a botanic garden. Its sources of income were an annual parliamentary grant of 1,500*l.*; proprietors' shares entitling to certain privileges and annual subscriptions. The principal of these sources, that of the grant of public money, was withdrawn in 1825, since which time the institution has declined. Its total receipts from its foundation to 1825 were as follows: — Parliamentary grant 43,896*l.*; payments of proprietors for shares 4,999*l.*; annual subscriptions 881*l.*; total 49,776*l.* The expenditure during the same period amounted to 50,346*l.*, causing a surplus of expenditure above income of 570*l.*

The public classical schools, which in their constitution and courses of study resemble in many respects the great grammar schools of England, are those of royal foundation, diocesan schools, schools on the foundation of Erasmus Smith, and those founded by individuals. The royal schools were founded by Charles I., in the commencement of his reign; who endowed them with large tracts of land, chiefly in the northern counties. They are situate in the city of Armagh, and in the towns of Dungannon, Enniskillen, Raphoe, Cavan, Banagher, and Carysfort. The total quantity of land granted for their support is 13,588 acres, which produced in 1807, when their state was investigated by the commissioners of education, an annual revenue of 8,405*l.* The appointment of the teachers was originally vested in the lord-lieutenant, and the management of the landed property entrusted to them. But as both the discipline and economy were found to be conducted on principles of great laxity, the control has been vested in commissioners, who make annual reports to parliament. Still, however, these schools, though improved relatively to their former state, are far from filling the space in the general system of national instruction anticipated at their formation. The diocesan schools owe their origin to an act of the 12th of Elizabeth, which requires a grammar school to be founded in every diocese, and empowers the lord-lieutenant to fix the salary of the teacher; which is to be assessed on the bishop and the beneficed clergy of the diocese in the proportion of one third to the former, and two thirds to the

latter. The number of schools in the 32 dioceses, in 1807, amounted only to 18. The defects of their constitution led to a new arrangement, by which two or more dioceses were united for the maintenance of a district school; the numbers of which were fixed to be 5 in each of the provinces of Armagh and Cashel, and 4 in each of those of Dublin and Tuam, making a total of 18. This arrangement was but partially carried into effect: for, in 1826, there were but 12 diocesan schoolmasters receiving payment; and it is further stated by the commissioners for superintending the endowed classical schools of Ireland, that, in 1834, of the 18 dioceses or districts in which schools are appointed to be kept, 8 only are provided with effective teachers. Erasmus Smith, one of the English adventurers who procured large grants of lands in Ireland during the Interregnum, having bequeathed a large portion of them to pious and charitable uses, the trustees applied part of the income hence accruing to found grammar schools in Drogheda, Galway, Tipperary, and Ennis. The classical schools of private foundation are those of Navan, Ballyroan, Clonmel, Carrickmacross, Kilkenny, — which assumes the style of a college — Middleton, the corporation school in Waterford, Dundalk, Lismore, Bandon, Kinsale, Castlebar, Charleville, Lifford, Cloghnakilty, and Rathfarnham. All these vary in the mode of government and the details of management. But it may be observed, that though the admission of free scholars is considered to have been a main object with the founders, the number of this description of pupils is very small in comparison with the amount of income intended for their benefit.

The chief mercantile or English schools are those endowed by the trustees of Erasmus Smith's bequest, in the Coombe in Dublin, Nenagh, Tipperary, Tarbert, and several others; the Hibernian Nursery in the Phœnix Park, for the education of soldiers' orphans; the Marine School on Sir John Rogerson's Quay, Dublin, for mariners' children; each of which two last named receive grants of public money; the Blue-coat Hospital schools in Oxmantown for the sons of decayed citizens of Dublin; Wilson's Hospital in Westmeath; Oldcastle, in Meath; Disrael's School, in Carlow; besides a large number of others dispersed throughout various parts of the country.

The education of the lower classes has been long an object of parliamentary attention. So far back as the year 1537, an act was passed requiring every incumbent of a parish to take an oath, on admission to his benefice, to teach an English school or to cause one to be taught. The provisions of this act are thought by many to be sufficiently complied with by the allowance of an annual stipend of 2*l.* to the parish clerk, or to some other individual who teaches or professes to teach a school. In many instances, notwithstanding the solemnity of the condition attached to it, it has been wholly inoperative. The general principle has latterly attracted the peculiar attention of the legislature; but the modes of management have been desultory and variable, and the results unsatisfactory. Grants of public money, to a very large amount, were given to two self-constituted associations. One of these, known by the name of the Kildare Place Society, and composed of a number of respectable individuals chiefly resident in Dublin, received an annual grant which

was gradually augmented to 25,000*l.* They embodied themselves on the express condition of affording literary information, without any interference with the religious opinions of the pupil. But, having subsequently required that the reading of the Bible should form an essential part of the school studies, and this innovation being resisted by the Roman Catholic hierarchy as contrary to the tenets of their church, which deem the spiritual assistance of the clergy necessary towards the salutary perusal of the sacred volume, the operations of the society were impeded, and its usefulness as an organ of national education neutralised. The other association, the Society for the discountenancing of Vice, composed chiefly of clergymen of the Established Church, also received an annual grant of between 5,000*l.* and 10,000*l.*; but as, in addition to the condition introduced into the Kildare Place Society, it required the introduction of the Protestant Liturgy, and other devotional treatises, it was deemed still more objectionable. Besides these grants, a sum of from 4,000*l.* to 5,000*l.* was entrusted to the lord-lieutenant to be disposed of at his discretion for the purposes of education. The general repugnance to the proceedings of these societies led to a total alteration of system. The grants were withdrawn; and a single grant to the amount of the three just specified was vested in a board of commissioners, consisting of the Protestant and Catholic archbishops of Dublin, the moderator of the synod of Ulster, and some noblemen, clergymen, and gentlemen nominated by the Crown. This board commenced by allotting a special portion of the week for religious instruction by the parochial clergy of each religious denomination, instead of insisting on the reading of the Bible, without note or comment, as a class book. It has also published a plan for a system of national education; which, if not found to involve too great an expenditure, would render the rudiments not only of elementry, but of scientific instruction, very generally attainable. It proposes, in addition to a number of primary schools spread over every district, and of model-schools which are to be supplied with pupils out of the primary schools, to form a central establishment of five professorships: one of the science of education; one of English literature, history, geography, and political economy; one of natural history; one of mathematics; and one of mental philosophy; in which every candidate for the charge of a public school must study for two years at least. The annual estimate of expenditure for carrying on this great national institution is estimated at 200,500*l.* The other principal seminaries of public foundation for the instruction of the lower classes, are the charter schools, founded in the beginning of the last century. Their chief object was the conversion of the Catholic population through the medium of religious and literary instruction. The chief means adopted was the abstracting of the children from their parents when very young, and rearing them in nurseries; whence they were drafted at a proper age into schools; where they were lodged, fed, clothed, and instructed in the elements of literature, and in the practical knowledge of the simpler processes of agricultural and manufacturing industry. In the transfer, or, as it was styled, 'transplantation,' care was taken to remove them as far as possible from their parents. When of sufficient maturity, they were apprenticed to protestant masters. The plan, though highly

patronised and supported by large private donations and bequests, and by still larger grants of public money, proved a failure. The number of schools in the most flourishing periods was but thirty-nine, including four nurseries; and maintaining at any one time not more than 1,600 children. Abuses, of great enormity, notwithstanding the existence of a central board of control in Dublin, and of local boards in the neighbourhood of each school, were found to have crept in. Parliament, therefore, withdrew the grant: leaving the society to carry on its affairs out of its private income, which in 1808 amounted to upwards of 10,000*l.* annually. The number of elementary schools founded by charitable associations, or by donations and bequests of benevolent individuals, are too numerous to admit of a specification even of their names and localities.

The total number of pupils receiving instruction in public schools is stated by the Commissioners of Education to have been in 1808, 45,590 Protestants and 116,977 Catholics: total, 162,567. The numbers, stated in the returns of the enumerators employed in taking the census of Ireland in 1821, was 394,813; the distinction of religion was not noticed by them. In the returns of the Commissioners of Education, in 1824–6, the numbers are, Protestants, 142,168; Catholics, 408,285; those whose religious persuasion could not be ascertained, 10,096: total, 560,549. According to a return of the Commissioners of Public Instruction, in 1835, the number of schools and scholars in Ireland. were as under: —

	Provinces.				Total in Ireland.
	Armagh.	Dublin.	Cashel.	Tuam.	
Number of daily schools	4,482	1,612	2,322	1,241	9,657
Number of daily schools supported wholly by payments from the children	2,396	830	1,577	850	5,653
Number of daily schools supported wholly, or in part, by endowment or subscription	2,086	782	745	391	4,004
Number of schools in connection with or receiving support from —					
1. The National Board	461	204	137	90	892
2. Association for Discountenancing Vice	112	48	37	6	203
3 Erasmus Smith's Fund	61	25	22	7	115
4 Kildare Street Society	195	17	15	8	235
5. London Hibernian Society	460	26	37	95	618
Number of daily schools, of which the books containing lists of the children were produced	4,235	1,403	2,126	1,122	8,886
Number of children on the books of those schools —					
Males	169,118	52,346	85,133	47,212	253,809
Females	105,234	40,481	52,586	25,599	223,900
Sexes not specified	2,089	1,644	1,361	610	5,700
Total	276,441	94,471	139,080	73,421	583,413
Number of schools of which no lists were produced	247	209	196	119	771
Computed number of children under daily instruction in such schools	16,055	14,003	12,740	7,735	50,886
Computed total number of children under daily instruction	292,496	108,474	151,820	81,156	633,946
Total population in 1834	3,128,016	1,247,290	2,345,471	1,233,923	7,954,100
Proportion of daily schools to total population	as 1 to 698	as 1 to 774	as 1 to 1,008	as 1 to 994	as 1 to 824
Proportion, per centum, of children under daily instruction to total population —					
Total on the books	$8\frac{84}{100}$	$7\frac{57}{100}$	$5\frac{93}{100}$	$6\frac{3}{100}$	$7\frac{33}{100}$
Computed total	$9\frac{15}{100}$	$8\frac{70}{100}$	$6\frac{47}{100}$	$6\frac{58}{100}$	$7\frac{97}{100}$

A notion is pretty general in Great Britain that the Irish poor are exceedingly ignorant. But this is by no means the case. If elementary knowledge, or the being able to read, write, and perform ordinary arithmetical operations be regarded as education, it is more generally diffused in Ireland than in England. "Where, in England," asks Mr. Bicheno, "could the Ordnance Surveyors find persons among the *lowest class* to calculate the sides and areas of their triangles, at a halfpenny a triangle, as they do in Ireland, and abundance of them?* The Irish are honourably distinguished by their desire to possess information, and by the efforts they have made to acquire it. But until within these few years their education was very defective indeed; and the books that were used in schools were not unfrequently of the very worst description. We believe, however, that these have now nearly disappeared; and the school books published by the Kildare Street Society, and the other school books usually met with in Ireland, seem to be not merely equal, but very decidedly superior to most of those used in schools in Great Britain. It is not the ignorance of the people, but their destitute situation, and the violence so frequently done to their feelings and to their sense of justice, that are the grand sources of the crimes and disorders that have so long disgraced Ireland.

CHAPTER II. — Revenue and Expenditure.

Sect. I. *Revenue.*

In early times the sovereigns of England, like those of most other feudal states, were the greatest landholders of the kingdom; their revenues consisting principally of the rents, services, &c. derived from their own lands, and partly of the fines, compositions, and other payments derived from the lands of others. But in the course of time the estates of the Crown were mostly alienated; and the diminution of the royal revenue thence arising being coincident with increased demands for the public service occasioned by the progress of society, and the consequent greater expense of government and defence, it became necessary to explore other sources of revenue. In early times it was usual for parliament to make grants of *tenths* and *fifteenths;* that is, to grant to the Crown a tenth or a fifteenth part of all the moveable property belonging to the subject. But there can be no doubt that they were but very imperfectly collected; and that the Crown never received anything like the real amount of the grants made by parliament. The other ancient levies were of the nature of a land-tax; being called scutages, when laid on the tenants of knights'

* Mr. Bicheno's *Report on Poor Laws*, p. 41.

fees, hydages when laid on the occupiers of other lands, and talliages when laid on cities and boroughs. But these having gradually fallen into disuse, were followed by subsidies. The latter were not immediately imposed upon property, but upon persons in respect of their reputed estates, after the nominal rate of 4*s.* in the pound for lands, and 2*s.* 6*d.* for goods; and for those of aliens in a double proportion. The existing land-tax grew out of the subsidy scheme; having originated in 1692, when a new assessment or valuation was made, by which a subsidy or land-tax of 1*s.* a pound produced 500,000*l.* a year of revenue. (See *Blackstone*, book i. cap. 8.)

But these resources were but limited, and comparatively inconsiderable; and for a long time past the duties of customs and excise have formed the principal branches of the public revenue, and the only ones, indeed, by which we have been enabled to meet the immense expenditure of modern times.

Customs. — From a very distant period customs-duties have been charged on most articles imported into, or exported from, the country; and though inconsiderable at first, they increased, with the increase of civilisation and commerce, till they long ago formed one of the most copious sources of the public revenue, and have now attained to an extraordinary magnitude. The king's claim to the customs-duties was first established by stat. 3. Edward I. The various duties were collected, for the first time, in a book of rates, or tariff, published in the reign of Charles II. But there is hardly a year in which the customs-duties do not undergo considerable variations. It is now the practice to consolidate the different acts imposing or varying the customs-duties before they become inconveniently numerous; and tariffs, or tables of duties, drawbacks, &c., are annually published for the convenience of merchants and others. We have subjoined a statement of the existing duties on the most important articles.

Owing principally to the vast increase of the commerce, wealth, and population of the country, but partly, also, to the increase of the rates, the progress of the customs-duties has been quite extraordinary. The revenue derived from the customs-duties in 1596, in the reign of Elizabeth, amounted to no more than 50,000*l.* In 1613, it had increased to 148,075*l.*, of which no less than 109,572*l.* was collected in London. In 1660, at the Restoration, the customs produced 421,582*l.*; and at the Revolution, in 1689, they produced 781,987*l.* During the reigns of William III. and Anne, the customs-revenues were considerably augmented, the nett payments into the Exchequer in 1712 being 1,315,422*l.* During the war terminated by the peace of Paris in 1763, the nett produce of the customs-revenue of Great Britain amounted to nearly 2,000,000*l.* In 1792, it amounted to 4,407,000*l.* In 1815, at the close of the war with revolutionary France, it amounted to 11,360,000*l.*; and in 1834 it produced 20,108,703*l.*, of which Great Britain furnished 18,364,666*l.*, and Ireland 1,744,037*l.*

For a lengthened period customs-duties were charged indifferently on all sorts of commodities, whether exported or imported; the duty on wool sent to the Netherlands, France, &c. being then, in fact, the principal item in the customs-revenue. But for a long time past they

have been almost exclusively laid on imported articles; those laid on exports being, in most instances, imposed rather to check or prevent the exportation of the articles, than in the view of raising revenue.

Were this the proper place for such investigations, it might be easily shown, that moderate customs-duties are about the least exceptionable of all taxes. They are collected with the greatest possible facility, involving no inquiry into the circumstances of individuals, as is the case with taxes on income or property; nor any interference of any sort with the processes carried on in the arts, as is the case with certain excise duties. By allowing imported goods to be lodged in bonded warehouses under the joint locks of the king and the importer, the revenue is protected without its being necessary for the importer to pay the duties till the goods be withdrawn for consumption; so that but little additional capital is required to be at the command of the importing merchant, because of the articles in which he deals being subject to duties, and but little addition is, consequently, made to the price of the goods on account of the profits accruing to the dealers on the duties.

Customs-duties should not be carried to such a height as to give any overpowering stimulus to smuggling. They then contradict and defeat the very purpose for which they are intended. Our finance ministers have not, however, been sufficiently alive to this obvious consideration. There can be no articles better fitted to bear customs-duties than tobacco and spirits; but the duties with which they are loaded are so extravagantly high that they occasion a great deal of smuggling with its accompanying crime and demoralisation, and would certainly be a good deal more productive were they effectually reduced. The existing duties on brandy and geneva are, perhaps, the very worst in our tariff; but they would be about the very best were they reduced from 22*s.* 6*d.* to 8*s.* or 10*s.* a gallon.

As already stated, the net customs-revenue of 1834 amounted to 20,108,703*l.*; and we will venture to affirm, that no equal amount of revenue was ever raised in any country, or in any period of time, with so little difficulty and inconvenience. The assessed taxes, exclusive of the land-tax, produced, in 1834, 3,458,766*l.*; and no one familiar with the facts can doubt that their payment produced more irritation, and was regarded as a greater burden by the public, than the payment of the customs-duties, though the latter brought between six and seven times as great an amount of revenue into the coffers of the Treasury.

The customs revenue of 1835 was collected in Great Britain at a charge of 5*l.* 17*s.* 2½*d.* per cent. upon its gross produce; and in Ireland at a charge of 12*l.* 5*s.* 2¼*d.* on ditto.

Excise Duties.—The next great branch of the public revenue consists of inland, or excise duties, that is, of duties charged on certain commodities produced or manufactured at home.

Excise duties were introduced into England by the Long Parliament in 1643; being then laid on the makers and venders of ale, beer, cider, and perry. The royalists soon after followed the example of the republicans; both sides declaring that the excise should be con-

tinued no longer than the termination of the war. But it was found too productive a source of revenue to be again relinquished; and when the nation had been accustomed to it for a few years, the parliament declared, in 1649, that the impost of excise was the most easy and indifferent levy that could be laid upon the people. It was placed on a new footing at the Restoration; and notwithstanding Mr. Justice Blackstone says, that "from its first original to the present time, its very name has been odious to the people of England" (*Com.* book i. *c.* 8.), it has continued progressively to gain ground; and is at this moment imposed on several most important articles, and furnishes nearly a third part of the entire public revenue of the kingdom.

The prejudice in the public mind to which Blackstone has alluded, against the excise duties, seems to depend more on the regulations connected with their imposition, than to the extent on which they have sometimes been carried. The facilities of smuggling, and the frauds that might be committed upon the revenue, unless a very strict watch were kept, have led to the enactment of several rather severe regulations. The officers have been empowered to enter and search the houses of such individuals as deal in excisable commodities at any time of the day, and in most instances, also, of the night. And the proceedings in cases of transgression are of such a nature, that persons may be convicted in heavy penalties, by the summary judgment of two commissioners of excise, or two justices of the peace, without the intervention of a jury.

For the more easily levying the revenue of excise, England and Wales are divided into about fifty-six collections, some of which are called by the names of particular counties, others by the names of great towns; where one county is divided into several collections, or where a collection comprehends the contiguous parts of several counties, every such collection is subdivided into several districts, within which there is a supervisor; and each district is again subdivided into out-rides and foot-walks, within each of which there is a gauger or surveying officer.

Some excise duties, that were justly objected to, have been repealed within these few years; and, with the exception of the duty on glass, which interferes injuriously with the manufacture (see *antè*, p. 124.), we are not sure that there is one of the existing duties that can be fairly objected to on principle, though the rate of duty might, in some instances, be advantageously reduced.

It has been said that the excise duties "greatly raise the cost of subsistence to the labouring classes." But this assertion has really no foundation. In 1834, the excise duties in Great Britain (excluding tea carried to the customs in the course of that year) produced 12,554,609*l.* Now, of this sum, the duties on spirits, malt, and licenses, produced 9,450,168*l.*! In fact, the only excise duty that can be said to fall on a necessary of life, is that on soap, which produced in 1834 (in Great Britain) 736,112*l.*; and as the population of Great Britain amounts at present to above 17,500,000, the soap tax cannot, at an average, impose a burden of 10*d.* a year on each individual. If we estimate its annual pressure on a labouring family

of five persons at 2*s.* 6*d.*, we shall not be within, but beyond, the mark.

The only taxes, in the various departments of the revenue, that can be truly said to fall on articles necessary to the labourer, are, besides soap, those on tea, sugar, and a few others. We incline to believe that the duties on tea and sugar, which are the most important, might be materially reduced without affecting the revenue; but, however that may be, it cannot be truly affirmed that they entail any grievous burden on the labouring classes.

Even though they were not required by the public exigencies, the duties on spirits obstruct a pernicious habit, and should not be given up. They are the best of all possible duties; and the only thing to be attended to in their imposition, is not to carry them to such a height as to defeat their operation by encouraging smuggling. We have yet to learn, supposing they are not carried beyond this limit, that a single good objection can be made to these duties.

The obscurity and complexity of the excise laws has been justly complained of. It is needless to say, that they ought to be brief, clear, and level to the apprehension of every one. But, so far from this being the case, they are, in most instances, lengthened, contradictory, and unintelligible. We believe there are at this moment some 40 or 50 acts in existence having reference to the glass duties, and from 25 to 30 having reference to the paper duties, and so for the others; and it is all but impossible for any one to tell what the law really is on many points, so that the trader is left at the mercy of the officers, and a wide door is open to favouritism and fraud. This disgraceful state of things might, however, be easily remedied by getting the Treasury or the Excise to prepare a short abstract of the law as to each duty, drawn up in the clearest and least ambiguous manner possible, and without any of that verbosity, repetition, and technical jargon that infects acts of parliament, and renders them all but incomprehensible to ordinary persons. A manufacturer abiding by this abstract should be held to have abided by the law, and should not be further questioned on the subject. A measure of this sort might be easily carried into effect. It would be an immense improvement; and would go far to obviate the only good objection to the excise duties.

The capacity of a tax on a commodity to raise a revenue, depends partly on the nature and extent of the demand for the taxed article; and partly on the means of preventing its being smuggled or the duty evaded. Every tax, by raising the price of the article on which it is laid, has a tendency to bring it within the command of a smaller number of purchasers, and to lessen its consumption. An individual who might be able and disposed to pay 1*s.* a bottle of duty on wine, might neither have the means nor the inclination to pay 2*s.* or 3*s.*; and, instead of being augmented, the revenue might be diminished by such an increase of duty. And hence, whenever the duties on commodities are raised beyond certain limits, which, however, it is impossible to define *à priori*, seeing that they necessarily vary according to the description of commodities on which duties are laid, the varying

tastes and circumstances of society, and the means of counteracting smuggling, — they depress consumption to such an extent, as to become less productive than if they had been lower.

Variations in the amount of the duties affecting commodities have exactly the same effect on their price, and consequently on their consumption, as corresponding variations in the cost of production. But it is clear that any reduction in the price of articles, the necessary cost of which is very considerable, and can, therefore, be used only by the rich, would not so powerfully increase their consumption, as an equal reduction in the price of cheaply produced commodities in general demand. Thus, a reduction of 25 or even 50 per cent. in the price of coaches would not add greatly to the demand for them; for, notwithstanding this reduction, they would still be luxuries, for which none but the rich could afford to pay. But a reduction of 25 or 50 per cent. in the price of tea, sugar, beer, gin, or any article in general demand, would extend its consumption in a much greater ratio. The reason is plain: the lower classes form by far the most numerous portion of society; the articles referred to, and others of the same description, are highly esteemed by them; and are, even at their present prices, extensively consumed. But a reduction of a half, or even a fourth, from their price, would add prodigiously to the demand for them. It would enable their present consumers to use them in larger quantities; while it would, at the same time, bring many of them fully under the command of a very large class by whom they are now used as luxuries only on rare occasions. The history of taxation in this and other countries fully confirms this statement. When carried beyond due limits, taxes on commodities cease to be productive; and recover that quality when they are reduced. There is much truth in the shrewd remark of Dr. Swift, that, in the arithmetic of the customs, two and two do not always make four, but, sometimes, only one. In 1808, the duty on coffee was 1*s.* 7½*d.* per lb., the quantity entered for consumption that year being 1,069,691 lbs., producing a nett revenue of 161,246*l.* In the course of the year, the duty was reduced to 7*d.* per lb.; and next year no fewer than 9,251,837 lbs. were entered for home consumption, producing a nett revenue of 245,886*l.*! The coffee duty has since been lowered to 6*d.*; and the quantity entered for consumption is now about 23,000,000 lbs., and the revenue about *four times* as great as before the reduction! The history of the duties on tea, spirits, wine, sugar, and indeed of every other article in extensive demand, is precisely similar. When carried to an oppressive height, the duty either occasions the use of the article to be given up, or, which is the most common case, it makes it be supplied through clandestine channels in defiance of the law. But when the duty is moderate, the taste for the article is diffused; and the profits to be made by trampling on the law not being sufficient to remunerate the smuggler, he is forced to abandon his hazardous occupation, and the article is wholly supplied through legitimate channels. After the various disastrous consequences entailed on the country by the exorbitant height to which many duties were carried previously to 1825, and the signal advantages that have resulted to the revenue and the public from their subsequent modification, it may be

hoped that the principle now stated will meet with more attention in future.

The attempts that have been made in Great Britain and elsewhere to suppress smuggling, and at the same time to maintain exorbitant duties, have all signally failed. It has been invariably found, that no severity of the law, nor vigilance on the part of the officers, can prevent the smuggling of the commodities loaded with excessive duties. At this moment it is supposed that from 500,000 to 600,000 gallons of foreign brandy and geneva find their way into our market without paying any duty, in defiance of the coast guard, and of all the other machinery for keeping them out. Large quantities of tobacco are also smuggled. In fact, there are no means of effectually putting down smuggling other than a reduction of duty. The very severity of the laws prevents their execution. It creates a sympathy in favour of the smuggler; it stimulates the trader to corrupt the officer to conceal a fraud; and it makes the officer overlook what he might otherwise discover.

The Excise revenue of 1835 was collected in Great Britain at a charge of 6*l.* 13*s.* 6¾*d.* upon its gross produce; and in Ireland at a charge of 9*l.* 13*s.* 6¼*d.* on ditto.

Stamp Duties.—These duties form the next most important branch of the public revenue after the customs and excise. They are mostly laid on the parchment or paper on which certain deeds, contracts, receipts, acquittances, bills of exchange, newspapers, policies of insurance, indentures of apprenticeship, &c., are written or printed; and derive their name from the parchment or paper being impressed with a stamp, stating the amount of the duty. When imposed on fair principles, and not carried to too great a height, stamp duties seem to be one of the most legitimate sources of revenue. They assist in authenticating legal instruments, and render it much more difficult than formerly to forge deeds of any standing. It is needless, perhaps, to say, that if stamp duties be carried to such a height as to oppose any serious obstacle to the free circulation of property, or to the execution of necessary deeds, they become exceedingly injurious. Perhaps the duty on fire insurance is the most objectionable of the existing stamp duties. It amounts to 3*s.* per cent. on all property insured; whereas the premium paid to the insurance office, on ordinarily hazardous property, is no more than 1*s.* 6*d.* per cent., or *only half the duty.* Thus, if a person wish to insure 1000*l.* on a dwelling-house, a shop, warehouse, or other commonly hazardous property, he pays 15*s.* to an insurance office as an indemnification for the risk, and 30s. to government for leave to enter into the transaction! So exorbitant a duty cannot be too severely condemned. It discourages that providence and foresight the encouragement of which ought to be an object with all prudent governments; and it is the principal cause that much property is not insured at all, and that what is insured is seldom sufficiently covered. Every individual, in fact, who insures any commonly hazardous property, is obliged *to pay three times as much as the risk is really worth!* Under such circumstances, the wonder certainly is not that a great deal of property is uninsured, but that such is not the case with a great deal more. Seeing the vast im-

portance of insurance, it may well be doubted whether it ought to be charged with any duty, however slight. But were the duty fixed at 6*d.* per cent., or at a third part of the premium, its influence in repressing insurance would not be very sensible. And the increase of business to which such a reduction of the duty would lead would be so very great, that we have little doubt that in a few years the reduced duty would yield nearly as large a revenue as is derived from the present exorbitant duty.

The duties on legacies, and on the probates of wills, are included under the head of stamp duties, of which they are very important items. These duties affect only personal or moveable property. The first, or legacy duty, varies according to the propinquity of the successor; being 1 per cent, on property devolving on children and lineal heirs; 3 per cent. on property devolving on brothers and sisters; 4 per cent. on property devolving on cousins; and 10 per cent. on property devolving on strangers. The probate duty varies according to the amount of property in the will. Hitherto it has pressed with greater proportional severity on small than on large sums; but this inequality is now, in part at least, in the way of being obviated by a bill at present before parliament. The duties on stage and hackney coaches, gold and silver plate, &c., come under the head of stamps.

The principal objection to taxes on successions, or on the transfer of property from the dead to the living, consists in the circumstance of their falling wholly on capital, without occasioning any effort to replace their amount by increased exertion or economy. If a legacy of 1000*l.* be subject to a tax of 10 per cent., or 100*l.*, the legatee considers his legacy as only 900*l.*, and feels no particular inclination to save the 100*l.*; whereas, had he received the whole 1000*l.*, and been required to pay 100*l.* in taxes on income or commodities, the desire to preserve his capital unimpaired, would have prompted him to endeavour to defray the tax by increased industry or economy, or both. On the other hand, however, the taxes in question are easily collected, and seldom give any disturbance to the existing distribution of capital, as is invariably almost the case with taxes on income or expenditure. Provided, therefore, they be not carried to an excess, or be imposed on an unjust principle, the legacy and probate duties do not seem very objectionable.

Stamp duties were introduced into England in 1671, by a statute entitled "An Act for laying Impositions on Proceedings at Law." The duties were at first granted for only nine years, and were afterwards continued for three years more, when they were allowed to expire. They were again revived in 1693, and have since been gradually and greatly increased. The stamp duties are collected at the moderate charge of about 2½ per cent. on the gross amount.

Land Tax.—The circumstances that gave rise to this tax have been already noticed.—(*Antè*, p. 394.) The valuation, according to which it is now assessed, was fixed in 1692; when it was found that a charge of 1*s.* per pound on the rental of the country produced 500,000*l.* No subsequent change has been made in this valuation. The tax, which was annually voted, usually amounted to 4*s.* per pound of the valued rent. In 1798 it was made perpetual at that rate, leave being, at the same time, given to the proprietors to redeem it.

The land tax has always been very unequal. When imposed, the proprietors friendly to the Revolution returned their estates at a much higher value than those attached to the House of Stuart. The different degrees of improvement that have since taken place in the various districts of the country have, in some instances, tended to correct the inequalities in the original imposition of the tax, but their more common effect has been to increase them.

Assessed Taxes. — These form the fourth great head of revenue. They include the duties on windows, servants, horses, dogs, carriages, armorial bearings, game, &c. The house duty, that used to be one of the principal items in the assessed taxes, has been recently repealed. A hearth tax, or duty proportioned to the number of fire-places in a house, was established in this country at a very early period. But, owing to its being necessary to the apportionment of the tax, that the government officers should be admitted to view the inside of each house, the hearth tax became exceedingly unpopular, and was repealed by the stat. 1 Will. and Mary, c. 10. This statute declares hearth-money to have been, "not only a great oppression to the poorer sort, but a badge of slavery upon the whole people, exposing every man's house to be entered into, and searched at pleasure, by persons unknown to him; and, therefore, to erect a lasting monument of their majesties' goodness in every house in the kingdom, the duty of hearth-money was taken away and abolished."

But, six years afterwards, "the prospect of this monument of goodness was," to use Blackstone's words, "somewhat darkened," by the passing of an act (7 Will. III. c. 18.) laying a duty on all inhabited houses, except cottages, and also on windows. These duties were afterwards considerably increased. They were, however, materially modified within the last few years; and neither the existing window tax, nor the house tax, previously to its repeal, could be said to be oppressive. Indeed, out of 2,850,937 inhabited houses in Great Britain, in 1831, only 442,482, or not *a sixth part* of the entire number, paid duty in 1833. All houses below 10*l.* a year of rent were exempted from the duty; the rate of charge on those that were assessed being 1*s.* 6*d.* per pound on houses worth from 10*l.* to 20*l.* a year; 1*s.* 3*d.* per pound on those worth from 20*l.* to 40*l.*; and 2*s.* 10*d.* per pound on those worth 40*l.* and upwards. The assessed taxes do not extend to Ireland. The cost of their collection amounted, in 1836, to 5*l.* 7*s.* 9¼*d.* per cent. of the gross produce.

The house tax being assessed according to the rent, it frequently happened that private houses, shops, and taverns in towns, were assessed in a larger sum than the finest houses of the nobility and gentry in the country. There was not, however, any injustice in this; for, in point of fact, had any attempt been made to let the latter, they would rarely have found a tenant, or brought any rent. This apparent inequality afforded, however, a convenient topic for declamation, and for raising an outcry against the tax, which was, in consequence, repealed in 1835.

The real cause of the unpopularity of the house tax, and, indeed, of all the other assessed taxes, consists in their being direct; and, consequently, admitting no disguise or concealment. Where duties are laid on imported articles, or on articles produced at home, through the intervention of the customs or excise, the duty is confounded

with, and appears to form part of, the natural price of the commodity. No separate demand being made upon the consumer for the duty, it escapes his recollection, so that the article he receives seems the full equivalent of what he pays. But the assessed taxes cannot be so mixed up with other things. And as every one has an extreme repugnance to part with money without receiving some tangible, or sensible equivalent, such taxes are always very unpopular, and seldom escape being considered as oppressive, even when they happen to be most moderate.

Post Office Revenue.—We have already noticed the conveyance of letters by post, and the expediency of keeping the rates of postage reasonably low. (*Ante*, p. 53.) It may, however, be doubted whether we have sufficiently respected this principle. The nett produce of the Post Office Revenue has varied but little for these dozen years, notwithstanding the rapid increase in the interval of the population and correspondence of the country. It may, no doubt, be true that the stationary amount of this branch of the revenue is as much owing to the extraordinary facilities that are afforded for the conveyance of letters and parcels by ordinary stage coaches and steam packets, as to the too great magnitude of the postage. The latter, however, ought certainly to be materially reduced.

A good deal of discussion has recently taken place with respect to the establishment of a uniform rate of postage. It has, also, been proposed that all letters should be post-paid, or that they should be enclosed in stamped *envelopes*, distributed by the Stamp Office and its agents, and charged according to the weight of the letters they are to be employed to cover. There can be little doubt that, provided this arrangement be practicable, its adoption would be a signal improvement. It would seem that means have been devised, through the ingenuity of Mr. Dickinson the paper manufacturer, apparently sufficient to obviate all risk of loss from the forgery of the envelopes; but it is not so easy to deal with the other great difficulty or that respecting the delivery of the letters. At present a letter-carrier receives a number of letters, the postage of which amounts to a certain sum; and he must either bring back that sum, or a portion of it, and undelivered letters making up the deficiency. But if he have merely to deliver paid letters, it is difficult to see what security can be had for the careful performance of his duty. But, supposing the letter-carriers to be as cautious and attentive under the proposed system as at present, still the safe delivery of the letters would not be secured. Few persons will receive letters, paying 6*d.* or 1*s.* each for them, unless they really believe they are the parties for whom the letters are intended; but if they got them for nothing they would be infinitely less scrupulous; and the chances are, that under the proposed system, all, or mostly all, letters would be received by the servants, or others to whom they might be offered, and that very few indeed of those found to have been improperly addressed, would be returned to the Post-office. In a place like London, where there are thousands of persons of the same name, mistakes as to the delivery of letters are even now constantly occurring; and the fair conclusion seems to be, that, under the proposed plan, they would be incomparably more numerous, and that they would render its adoption, how advantageous soever in other respects, all but impracticable.

The expenses of collecting the Post Office revenue are very considerable. Its *gross* receipt during the year 1837, amounted to 2,462,270*l.*; of which Great Britain produced 2,200,973*l.*, and Ireland 261,297*l.* The charge on account of collection during the above year was, in Great Britain, about 27½, and in Ireland about 40 per cent. on the gross revenue. We have subjoined an account of the postage received in the principal towns of Great Britain and Ireland, in 1835, 1836.

Taxes on Income. — To provide means for defraying the enormous expenses of the war begun in 1793, very large additions were made to the duties of customs and excise, as well as the duties on stamps, and the assessed taxes. In many instances, indeed, as already stated, these additions were so very exorbitant, that they defeated their own purpose, and were really less productive than they would have been had they been lower. But, notwithstanding this error, they yielded a very large increase of revenue, though, being still inadequate to meet the expenses of the war, a more efficient system of direct taxation was resorted to. The income tax was introduced by Mr. Pitt, in 1798. According to the provisions of the act by which it was imposed, all incomes of less than 60*l.* a year were exempted from assessment; an income of from 60*l.* to 65*l*, was taxed $\frac{1}{120}$th part; and the rate of duty increased through a variety of gradations till the income reached 200*l.* a year, or upwards, when it amounted to $\frac{1}{10}$th part, which was its utmost limit; a variety of deductions being, at the same time, granted on account of children, &c. The commissioners, intrusted with the management of the tax, were chosen by the freeholders of counties, and the electors of boroughs, in the same way as their representatives in parliament, only that a smaller qualification was necessary to enable any one to be elected a commissioner. The services of the commissioners were gratuitous; and they were sworn to observe secrecy with respect to the affairs of individuals. They were authorised to call for returns from all persons whose revenue they supposed to exceed 60*l.* a year; and in the event of their being dissatisfied with these returns, they were empowered to call for written explanations, and ultimately for the oath of the party. But this examination was rarely necessary, except in the case of the incomes of manufacturing and commercial and professional men. The rental of landlords was, in most cases, learned from the leases, or agreements under which their tenants held; while the profits or income of the tenants was assumed to amount, in all cases, in England, to *three-fourths*, and in Scotland, to *half* the rent paid to the landlords! The commissioners were assisted, or rather overlooked, by the tax surveyors appointed by government, who were required to see the provisions of the act strictly enforced, and whose duty it was to scrutinise all returns of income, to challenge such as they considered fraudulent, to object to the deductions allowed by the ordinary commissioners, and to bring the matter under the review of the commissioners of appeal, whose sentence was final. Infinite fraud and evasion were certainly practised; and nothing could be more glaringly unjust and absurd than the rule for estimating farmers' incomes. But, on the whole, the provisions of the act were enforced better than could have been anticipated. This tax was repealed in 1802, after the peace of Amiens, having produced at an average, about 5,500,000*l.* a year.

In 1803 the income tax was again revived under the name of a pro-

perty tax. The assessment began, as before, on incomes as low as 60*l.* a year, and gradually increased till the income reached 150*l.* a year, when it amounted to 5 per cent., which was its highest rate. An addition was made to this tax in 1805; and, in 1806, during the short-lived administration of Mr. Fox and Lord Grenville, the assessment was raised to 10 per cent. on all incomes, however small, arising from land or capital; professional incomes under 50*l.* were exempted from the tax; and incomes of that sort, exceeding 50*l.* and under 150*l.*, the limit at which they beeame subject to the full assessment of 10 per cent., were allowed deductions varying inversely as their magnitude. This tax was finally repealed in 1816, when that wanton and barbarous destruction of the papers relating to it, to which we have previously adverted (Vol. i. p. 533), was consummated. We have subjoined some of the general statements with respect to the property tax that escaped the conflagration referred to.

Remarks on Property and Income Taxes.—Within these few years efforts have been sometimes made, by different parties in parliament, to effect a commutation of some of the existing duties for a duty on property or income, or both. These proposals have met with but little countenance, though that little has been quite as much as they deserved. Taxes on either income or property, though theoretically equal, are, practically, the most unequal that can be imagined. It is, indeed, quite impossible to assess them with any thing like fairness. We may get a pretty accurate notion of the income derived from lands, houses, funded property, and mortgages; but all beyond this is mere guesswork. There are no means by which to ascertain the amount of farming capital, stock in trade, the profits derived from them, or the incomes of professional men. No inquisition into the private affairs of individuals can ever discover these particulars. There is nothing, in fact, to depend upon in such cases, but the declarations of the parties; and we need not dwell on the impolicy of any system of finance that sets the duty and the interests of the contributors in opposition; and makes them profit by concealing or perverting the truth. Besides, although these preliminary and insuperable difficulties were overcome, and we learned the capital and incomes of different parties, we should have other and greater difficulties to surmount, before the tax could be fairly assessed. The same deduction ought not to be made from all incomes without taking into account the sources whence they are derived. To assess them on a just principle, the present value of different incomes, or their value reduced to a perpetuity, would have to be determined. But it may be unhesitatingly affirmed, that to do this upon a large scale would be quite impracticable. It is clear, therefore, that taxes on income, or property, ought not to be introduced except as a *dernier ressort*, as a means of filling the coffers of the treasury, when the other and more legitimate sources of revenue are insufficient, and money must notwithstanding be had at all hazards.

It is, besides, absurd to suppose that the burdens that at present fall on the labouring classes, could be sensibly reduced by repealing the duties on tea, sugar, soap, &c., and imposing in their stead taxes on property. Suppose that the attempt were made, and observe what

the result must be. A manufacturer employs a certain number of men who pay 1,000*l.* a year in taxes on commodities. Now if the taxes that are at present paid by the labourers be repealed, those that fall on their employers must be equally increased; so that the manufacturer in question will have 1,000*l.* more to pay in taxes after the change takes place, and will, of course, have 1,000*l.* less to lay out on wages. It is consequently contradictory and absurd to suppose that you can improve the condition of the labouring classes by repealing the taxes that fall on them, to lay them on capitalists.

Direct taxes on property have been the curse of every country into which they have been introduced. To evade them, people that are not poor counterfeit poverty; some of the most powerful incentives to industry and economy are in consequence destroyed, at the same time that inferior stock, machinery, &c., are made use of. Such taxes are, besides, most unpopular, as well from their requiring an odious, though ineffectual, inquisition into the affairs of individuals, as from their being direct. So much is this the case, that we are well convinced that the raising of eighteen or twenty millions by taxes on income would be felt to be a much greater burden, and would really be far more injurious, than the raising of fifty or sixty millions by our present taxes.

Collection of Taxes.—Taxes in Great Britain are almost wholly collected by government officers, paid by salaries. The customs duties, the excise duties, and the duties on stamps, with the assessed taxes, are each under the management of a particular department, having at its head a board of commissioners with various classes of inferior officers. The Post Office revenue is managed by a postmaster-general, and a principal secretary. The heads of the different revenue departments correspond with, and receive their instructions from, the treasury, to which is committed the charge of supervising, controlling, and regulating all matters connected with the assessment and collection of taxes. The number of commissioners in the different revenue boards was formerly much greater than at present; and it is contended by some very high authorities that their number might still be advantageously reduced; and that the whole responsibility should rest with the head of each department. Various reforms and retrenchments have been also introduced into the subordinate departments, and not a few abuses have been rectified in the assessment and collection of most duties. Perhaps the only very material reforms that need now to be looked for in this department must arise rather from changes and modifications of duties, than from any changes in the plans under which they are charged and collected. The reduction of the present exorbitant duties on brandy, geneva, and tobacco, by taking away an overwhelming temptation to their clandestine importation, would enable a large saving to be effected in the customs department, at the same time that it would be productive of various other beneficial consequences. In the excise there remains little to be amended; and were the glass duties repealed, and the regulations as to management suggested by the Commissioners of Inquiry adopted, the system would have received all the perfection of which it seems capable.

TABLES.

I. GROSS PUBLIC INCOME of the United Kingdom in 1835, 1836, and 1837.—(*Parl. Paper*, No. 528. Sess. 1838.)

Heads of Income.	1835.		1836.		1837.	
Customs and Excise.	L.	L.	L.	L.	L.	L.
Spirits { Foreign	1,529,540	- -	1,462,573	- -	1,399,868	
Spirits { Rum	1,537,694	- -	1,496,156	- -	1,432,929	
Spirits { British	5,059,197	- -	5,503,477	- -	5,015,071	
Malt	4,925,521	- -	5,848,950	- -	5,252,410	
Hops	324,792	- -	402,290	- -	344,364	
Wine	1,691,511	- -	1,794,033	- -	1,687,201	
Sugar and Molasses	4,947,670	- -	4,479,809	- -	5,026,888	
Tea	3,832,432	- -	4,674,535	- -	3,223,840	
Coffee	652,124	- -	691,606	- -	696,644	
Tobacco and Snuff	3,334,234	- -	3,397,108	- -	3,417,663	
		27,834,715		29,750,537		27,496,878
Butter	143,160	- -	238,306	- -	265,563	
Cheese	70,520	- -	105,087	- -	120,034	
Currants and Raisins	335,057	- -	311,916	- -	307,988	
Corn	234,576	- -	149,661	- -	583,271	
Cotton Wool and Sheep's imported	540,118	- -	622,293	- -	571,080	
Silk	214,898	- -	224,768	- -	218,375	
Hides and Skins	64,796	- -	67,171	- -	52,856	
Paper	831,057	- -	712,119	- -	554,497	
Soap	773,888	- -	756,138	- -	730,788	
Candles and Tallow	158,876	- -	207,788	- -	203,977	
Coals, sea-borne	5,061	- -	8,667	- -	8,910	
Glass	663,237	- -	652,225	- -	637,947	
Bricks, Tiles, and Slates	399,773	- -	474,921	- -	439,264	
Timber	1,394,940	- -	1,537,468	- -	1,369,381	
Auctions	242,023	- -	294,803	- -	274,264	
Excise Licenses	1,116,923	- -	1,018,002	- -	1,019,431	
Miscellaneous Duties of Customs and Excise	1,516,998	-	1,633,221	- -	1,501,173	
		8,705,901		9,014,554		8,858,799
Total Customs and Excise	- -	36,540,616	- -	38,765,091	- -	36,355,677
Stamps.						
Deeds and other Instruments	1,554,909	- -	1,621,741	- -	1,603,207	
Probate and Legacies	2,060,008	- -	2,042,528	-	2,185,890	
Insurance { Marine	217,058	- -	252,712	- -	260,512	
Insurance { Fire	804,756	- -	831,367	- -	824,138	
Bills of Exchange, Bankers' Notes	663,279	- -	739,957	- -	14,703	
Newspapers and Advertisements	552,039	- -	466,701	- -	528,661	
Stage Coaches	498,497	- -	514,628	- -	498,943	
Post Horses	241,165	- -	226,049	- -	240,283	
Receipts	170,599	- -	172,093	- -	172,280	
Other Stamp Duties	462,507	- -	482,601	- -	456,506	
		7,224,907		7,350,377		7,265,123
Assessed and Land Taxes.						
Land Taxes	1,199,783	- -	1,199,609	- -	1,192,635	
Houses	57,000					
Windows	1,204,490	- -	1,254,325	- -	1,257,8	
Servants	198,454	- -	207,311	- -	201,044	
Horses	386,459	- -	390,222	- -	380,593	
Carriages	424,129	- -	449,792	- -	441,173	
Dogs	160,349	- -	158,190	- -	15,931	
Other Assessed Taxes	250,733	- -	262,056	- -	260,892	
		5,881,397		3,921,505		3,890,146
Post Office	- -	2,243,294	- -	2,350,602	- -	2,339,739
Crown Lands	- -	382,973	- -	361,593	- -	419,780
Other Ordinary Revenues and other Resources	- -	221,545	- -	146,130	- -	322,188
Total Income	- -	50,494,732	- -	52,895,298	- -	50,592,653
Excess of Expenditure over Income	-	- -	- -	- -	- -	726,460
	L.	50,494,732	- -	52,895,298	- -	51,319,113

II. Account of the Rates of Customs' Duty imposed on the principal Articles imported into the United Kingdom, as they stood on the 1st of January, 1839.

	Duty. L.	s.	d.
Ashes, pearl and pot, per cwt.	0	6	0
Barilla, per ton	2	0	0
Bark, for tanners' or dyers' use, per cwt.	0	0	8
Bones of cattle and other animals, and of fish, except whale	0	8	0
Books, being of editions printed prior to the year 1801, bound or unbound, per cwt.	1	0	0
being of editions printed in or since the year 1801, bound or unbound, per cwt.	2	10	0
Borax or tincal, per cwt.	0	4	0
Brazil wood, per ton	2	0	0
Brimstone, per cwt.	0	0	6
refined, or in rolls, per cwt.	0	6	0
in flour, per cwt.	0	9	9
Bristles, viz.			
rough and in the tufts, and not in any way sorted, per lb.	0	0	2½
in any way sorted, or arranged in colours, and not entirely rough, and in the tufts, per lb.	0	0	3½
Cheese, per cwt.	0	10	6
Chicory, and any other vegetable matter applicable to the uses of chiccry or coffee, roasted or ground, per cwt.	2	16	0
China ware or porcelain, viz.			
plain, for every 100*l.* value	15	0	0
painted, gilt, or ornamented, for every 100*l.* value	30	0	0
Cinnamon, per lb.	0	1	0
imported from any British possession, per lb.	0	0	6
Clocks, for every 100*l.* value	25	0	0
Cochineal, per lb.	0	0	6
Cocoa, per lb.	0	0	6
the produce of, and imported from, any British possession per lb.	0	0	2
Coffee, per lb.	0	1	3
the produce of, and imported from, any British possession in America, per lb.	0	0	6
or any British possession within the limits of the East India Company's charter, per lb.	0	0	6
Copper ore, per cwt	0	12	0
Cork, per cwt.	0	8	0
Corn, imported from a foreign country, viz.			
Wheat, viz. whenever such average price shall be 62*s.* and under 63*s.* per quarter	1	4	8
63*s.* — 64*s.* —	1	3	8
64*s.* — 65*s.* —	1	2	8
65*s.* — 66*s.* —	1	1	8
66*s.* — 67*s.* —	1	0	8
67*s.* — 68*s.* —	0	18	8
68*s.* — 69*s.* —	0	16	8
69*s.* — 70*s.* —	0	13	8
70*s.* — 71*s.* —	0	10	8
71*s.* — 72*s.* —	0	6	8
72*s.* — 73*s.* —	0	2	8
at or above 73*s.*	0	1	0
under 62*s.* and not under 61*s.* per quarter	1	5	8
And in respect of each integral shilling, or any part of each integral shilling by which such price shall be under 61*s.*, such duty shall be increased by 1*s.*			
Barley, 33*s.* and under 34*s.* per quarter	0	12	4
And in respect of every integral shilling by which such price shall be above 33*s.*, such duty shall be decreased by 1*s.* 6*d.* until such price shall be 41*s.*			
at or above 41*s.* per quarter	0	1	0
under 33*s.* and not under 32*s.* per quarter	0	13	10
And in respect of each integral shilling, or any part of each integral shilling, by which such price shall be under 32*s.*, such duty shall be increased by 1*s.* 6*d.*			
Oats, 25*s.* and under 26*s.* per quarter	0	9	3
And in respect of every integral shilling by which such price shall be above 25*s.*, such duty shall be decreased by 1*s.* 6*d.* until such price shall be 31*s.*			
at or above 31*s.* per quarter	0	1	0
under 25*s.* and not under 24*s.* per quarter	0	10	9
And in respect of each integral shilling, or any part of each integral shilling, by which such price shall be under 24*s*, such duty shall be increased by 1*s.* 6*d.*			
Rye, pease, and beans, 36*s.* and under 37*s.* per quarter	0	15	6
And in respect of every integral shilling, by which such price shall be above 36*s.*, such duty shall be decreased by 1*s.* 6*d.*, until such price shall be 46*s.*			
at or above 46*s.* per quarter	0	1	0
under 36*s.* and not under 35*s.* per quarter	0	16	9
And in respect of each integral shilling, or any part of each integral shilling, by which such price shall be under 35*s.*, such duty shall be increased 1*s.* 6*d.*			
Wheat, meal, and flour, for every barrel, being 196 lbs., a duty equal in amount to the duty payable on 38⅔ gallons of wheat.			
Oatmeal, for every quantity of 181½ lbs., a duty equal in amount to the duty payable on a quarter of oats.			
Maize or Indian corn, buck wheat, beer or bigg, for every quarter a duty equal in amount to the duty payable on a quarter of barley			
Corn, grain, meal, and flour, the produce of, and imported from, any British possession in North America or elsewhere out of Europe, viz.			
Wheat (until the price of British wheat be 67*s.* per quarter), per quarter	0	5	0
at or above 67*s.* per quarter	0	0	6
Barley (until the price of British barley be 34*s.* per quarter), per quarter	0	2	6
at or above 34*s.* per quarter	0	0	6
Oats (until the price of British oats be 25*s.* per quarter), per quarter	0	2	0
at or above 25*s.* per quarter	0	0	6
Rye, peas, or beans (until the price of British rye, peas, or beans shall be 41*s.*), per quarter	0	3	0
at or above 41*s.* per quarter	0	0	6
Wheat, meal, and flour, for every barrel, being 196 lbs., a duty equal in amount to the duty payable on 38⅔ gallons of wheat.			
Oatmeal, for every quantity of 181½ lbs., a duty equal in amount to the duty payable on a quarter of oats.			
Maize or Indian corn, buck wheat, beer or bigg, for every quarter, a duty equal in amount to the duty payable on a quarter of barley.			
Cotton, manufactures of, for every 100*l.* value	10	0	0
Currants, per cwt.	1	2	2
Eggs, per 120	0	0	10
Figs, per cwt.	0	15	0
Flax, and tow of codilla of hemp or flax, whether dressed or undressed, per cwt.	0	0	1
Gloves (of leather), viz			
habit gloves, per dozen pair	0	4	0
men's gloves, per dozen pair	0	5	0
women's gloves or mitts, per dozen pair	0	7	0
Gum Arabic, per cwt.	0	6	0
shell lac, per cwt.	0	6	0
Hemp, viz. rough or undressed, or any other vegetable substance of the nature and quality of undressed hemp, and applicable to the same purposes, per cwt.	0	0	1
Hides, viz.			
dry, per cwt.	0	4	8
wet, per cwt.	0	2	4
Indigo, per lb.	0	0	4
Iron, in bars, or unwrought, per ton	1	10	0
Isinglass, per cwt.	2	7	6
Liquorice juice, or succus liquoritiæ, per cwt.	3	15	0
Mace, per lb.	0	4	6
Madder, per cwt.	0	2	0
root, per cwt.	0	0	6
Mahogany, per ton	5	0	0
imported from any British possession, per ton	4	0	0
the produce of, and imported from the Bay of Honduras	1	10	0
Nutmegs, per lb.	0	3	6
Nuts, viz.			
small nuts, per bushel	0	2	0
walnuts, per bushel	0	2	0
Oil of olives, per ton	4	4	0
imported from the dominions of the king of the Two Sicilies, per ton	8	8	0
palm, per cwt.	0	2	6
Oranges and lemons, the chest or box, viz. not exceeding the capacity of 5,000 cubic inches	0	2	6
Ore, viz. copper ore	1	12	0
Pepper, of all sorts, per lb.	0	1	6
imported from any British possession within the limits of the East India Company's charter	0	1	0
Pimento, per lb.	0	1	3
produce of, and imported from, any British possession, per lb.	0	0	5
Platting of straw, per lb.	0	17	0
Plums, dried or preserved, per cwt.	1	7	6
Prints and drawings, each	0	0	1
coloured, each	0	0	2
Prunes, per cwt.	1	7	6
Quassia, per cwt.	8	17	6

TABLE II. — *Continued.*

	Duty. L.	s.	d.
Quills, viz.			
goose, per 1,000	0	2	6
swan quills, per 1,000	0	12	0
Rags, viz.			
old rags, old ropes, or junk, or old fishing nets, fit only for making paper or pasteboard, per ton	0	5	0
woollen rags, fit only for manure, per ton	0	1	0
Raisins, per cwt.	0	15	0
Rape cakes, per cwt.	0	0	2
Rice, viz.			
not being rough and in the husk, per cwt.	0	15	0
rough and in the husk, or paddy, per bushel	0	2	6
Saffron, per lb.	0	1	0
Sago, per cwt.	0	1	0
Sapan wood, per ton	0	1	0
Seed, viz.			
clover seed, per cwt.	1	0	0
rape seed, per quarter	0	1	0
Senna, per lb.	0	0	6
Shumach, per ton	0	1	0
Silk, viz.			
knubs or husks of silk, and waste silk, per cwt.	0	1	0
raw silk, per lb.	0	0	1
thrown silk, not dyed, viz.			
singles, per lb.	0	1	6
tram, per lb.	0	2	0
organzine and crape silk, per lb.	0	3	6
thrown silk, dyed, viz.			
singles or tram, per lb.	0	3	0
organzine or crape silk, per lb.	0	5	2
Smalts, per lb.	0	0	4
Spirits, viz.			
brandy, per gallon	1	2	6
rum, per gallon	0	9	0
arrack, per gallon	0	15	0
Sponge, per lb.	0	0	6
Sugar, viz.			
brown, muscovado, or clayed, not being refined, per cwt.	3	3	0
the growth, produce, or manufacture of any British possession within the limits of the East India Company's charter, and imported from thence, per cwt.	1	4	0

	Duty. L.	s.	d.
Sugar, the growth, produce, or manufacture of any British possession in America, and imported from thence, per cwt.	1	4	0
molasses, per cwt.	1	3	9
the produce of, and imported from, any British possession, per cwt.	0	9	0
Tallow, per cwt.	0	3	2
Tapioca, per cwt.	0	1	0
Tar, viz. the last, containing twelve barrels, each barrel not exceeding 31½ gallons	0	15	0
Tea, after 1st July, 1836, per lb.	0	2	1
Teeth, viz.			
elephants', per cwt.	1	0	0
sea cow, sea horse, or sea morse, per cwt.	1	0	0
Tin, per cwt.	2	10	0
Tobacco, unmanufactured, per lb.	0	3	0
Valonia, per cwt.	0	1	0
Verdigris, per lb.	0	1	0
Wax, viz. bees', unbleached, per cwt.	1	10	0
Wine, viz.			
the produce of her Majesty's settlement of the Cape of Good Hope, per gallon	0	2	9
French, Canary, Fayal, Madeira, Portugal, Spanish, &c.	0	5	6
Wood, the load of 50 cubic feet, if imported from any British possession in America	0	10	0
foreign	2	10	0
Wool, viz.			
cotton wool, per cwt.	0	2	11
the produce of, and imported from any British possession, per cwt.	0	0	4
sheep or lambs' wool, viz. the produce of, and imported from, any British possession	Free		
produce of, and imported from any other place, viz. not being the value of 1*s.* per lb.	0	0	0½
being of the value of 1*s.* per lb., or upwards, per lb.	0	0	1
Woollens, viz. manufactures of wool, not being goats' wool, for every 100*l.* value	15	0	0
Zaffre, per cwt.	0	1	0

N.B. See *ante*, p. 19., for an account of the quantities of the different articles of foreign and colonial produce imported into, and exported from, the United Kingdom in 1835 and 1836, of the quantities of such produce entered for home consumption, and the nett revenue accruing thereon in each of these years. See also page 23. for an account of the gross and nett customs' duty collected at each custom-house of the United Kingdom, in 1835 and 1836.

III. AN ACCOUNT of the Gross and Nett Produce of the Post Office Revenue for the United Kingdom for the Year ended 5th January, 1837, distinguishing England, Scotland, Ireland, and the Twopenny Post Office, comparing each Branch with the Revenue collected in the same during the preceding Year.

	General Post.						Twopenny Post.				Total Nett Revenue.	
	Gross Produce.	Returned &c. Letters.	Parliamentary Pensions, &c.	Expenses.	Nett Produce. 1837.	Nett Produce. 1836.	Gross Produce.	Expenses.	Nett Produce. 1837.	Nett Produce. 1836.	1836.	1837.
	L.	L.	L.	L.	L	L.	L.	L.	L.	L.	L.	L.
England	1,866,886	75,360	16,179	502,153	1,272,402	1,219,521	120,801	47,466	73,335	65,414	1,546,722	1,628,864
Scotland	219,018	11,129	- -	59,601	148,318	138,290						
Ireland	255,070	24,713	- -	95,548	134,809	123,497						

IV. An Account of the several Articles charged with Duties of Excise in England, together with the Gross Amount of Duty thereon, during the Years 1834, 1835, and 1836.—(This and the following Accounts are from *Papers published by Board of Trade*, vol. vi. pp. 24—27.)

Articles.	Quantities charged.			Amount of Duty.		
	1834.	1835.	1836.	1834.	1835.	1836.
				L. s. d.	L. s. d.	L. s. d.
Auctions, amount of sales charged with duty - - - - L.	6,427,932	6,044,401	7,659,708	223,071 9 9	214,646 4 6	259,810 3 9
Bricks - - - - No.	1,152,768,797	1,349,708,070	1,606,768,392	339,402 2 5	398,556 3 0	471,616 6 0
Glass, crown - - - cwts.	136,708	153,831	159,738	502,401 18 0	565,328 18 6	587,037 3 0
Flint - - - - - —	71,629	70,532	85,952	200,561 4 0	163,889 12 0	80,221 14 8
Plate - - - - - —	18,922	21,652	22,169	56,781 4 0	64,956 0 0	66,508 10 0
Broad - - - - - —	6,766	5,847	7,629	10,149 0 0	8,770 10 0	11,443 10 0
Bottle - - - - - —	281,020	306,136	354,696	98,357 0 0	107,147 12 0	124,143 18 0
Hops - - - - - lbs.	39,587,497	49,086,709	41,874,913	329,895 16 2	409,055 18 2	348,957 12 2
Licences, auctioneers' - - No.	2,991	2,947	2,952	14,955 0 0	14,735 0 0	14,760 0 0
Brewers of strong beer not exceeding 20 barrels - - —	8,508	8,626	8,894	4,154 0 0	4,313 0 0	4,447 0 0
Ditto exceeding 20 and not exceeding 50 - - - - —	7,226	7,426	7,894	7,226 0 0	7,426 0 0	7,894 0 0
Ditto exceeding 50 and not exceeding 100 - - - - —	9,814	10,028	10,294	14,721 0 0	15,042 0 0	15,441 0 0
Ditto exceeding 100 and not exceeding 1000 - - - - —	18,172	18,908	19,430	36,344 0 0	37,816 0 0	38,860 0 0
Ditto exceeding 1000 barrels - —	1,545	1,602	1,668	13,651 10 0	13,979 5 0	14,687 5 0
Brewers of table beer - - —	17	49	10	15 0 0	49 10 0	12 10 0
Retail brewers, under the Act 5 Geo. 4. c. 54. - - - - —	25	27	21	131 5 0	141 15 0	110 5 0
Sellers of strong beer only, not being brewers - - - —	1,001	1,014	994	3,153 3 0	3,194 2 0	3,131 2 0
Beer retailers whose premises are rated under 20*l.* per annum - —	38,852	39,321	39,765	40,794 12 0	41,287 1 0	41,753 5 0
Ditto ditto, 20*l.* or upwards - - —	14,889	15,180	15,427	46,900 7 0	47,974 10 0	48,595 1 0
Retailers of beer, cider, or perry, under the provisions of the Acts 1 Will. 4. c. 64. (to be drunk on the premises); and 4 and 5 Will. 4. c. 85. (not to be drunk on the premises) - - —	37,381	{ 35,536 4,118	39,104 5,030 }	90,997 4 0	{ 11,938 8 0 4,323 18 0	125,175 8 0 5,281 16 0
Ditto of cider and perry only, under the Act 1 Will. 4. c. 64 —	1,054	1,913	1,608	1,106 14 0	2,008 15 0	1,688 8 0
Tea and coffee dealers - - —	78,278	80,047	81,031	43,052 18 0	44,025 17 0	44,567 1 0
Glass manufacturers - - —	107	111	128	2,140 0 0	2,220 0 0	5,650 0 0
Maltsters - - - - —	10,568	10,221	10,261	20,955 0 0	20,900 17 6	22,967 15 0
Paper-makers - - - - —	466	444	436	1,864 0 0	1,776 0 0	1,752 0 0
Paper-stainers - - - - —	103	77	15	412 0 0	308 0 0	60 0 0
Soap-makers - - - - —	239	222	201	956 0 0	888 0 0	80 0 0
Distillers and rectifiers - - —	108	112	108	1,080 0 0	1,120 0 0	1,080 0 0
Dealers in spirits, not being retailers - - - - —	3,019	3,043	3,013	30,190 0 0	30,430 0 0	30,130 0 0
Retailers in spirits whose premises are rated under 10*l.* per annum —	14,543	15,054	15,316	45,785 5 0	36,942 3 0	32,170 19 0
Ditto ditto at 10*l.* and under 20*l.* —	18,442	18,982	19,051	116,096 8 0	105,581 14 0	80,041 10 0
— 20*l.* — 25*l.* —	2,960	2,677	3,025	27,890 2 0	24,743 5 0	19,089 0 0
— 25*l.* — 30*l.* —	1,762	1,830	1,871	19,337 17 0	19,367 5 0	13,781 5 0
— 30*l.* — 40*l.* —	3,360	3,419	3,522	42,063 0 0	42,109 4 0	29,727 12 0
— 40*l.* — 50*l.* —	2,255	2,240	2,295	31,676 8 0	31,624 8 6	21,843 13 6
— 50*l.* and upwards - —	4,269	4,427	4,591	66,396 15 0	69,126 15 0	48,489 0 0
Starch-makers - - - - —	34	- - -	- - -	170 0 0	- - -	- - -
Makers of sweets - - - - —	15	- - -	- - -	31 10 0	- - -	- - -
Retailers of ditto - - - - —	829	1,023	1,266	870 9 0	1,074 3 0	1,329 6 0
Manufacturers of tobacco and snuff —	288	287	274	3,500 0 0	3,615 0 0	3,640 0 0
Dealers in ditto - - - - —	147,751	150,908	154,557	36,937 15 0	37,727 0 0	38,639 5 0
Vinegar-makers - - - - —	43	45	43	215 0 0	225 0 0	215 0 0
Dealers in foreign wine, not having a licence for retailing spirits, and a licence for retailing beer —	1,756	1,734	1,759	17,560 0 0	17,340 0 0	17,590 0 0
Dealers in foreign wine, having a licence to retail beer, but not having a licence to retail spirits —	46	44	40	193 4 0	184 16 0	168 0 0
Dealers in foreign wine, having licences to retail beer and spirits —	18,485	18,917	19,629	38,818 10 0	39,725 14 0	41,220 18 0
Passage vessels on board which liquors and tobacco are sold - —	200	221	229	200 0 0	221 0 0	229 0 0
Surcharges - - - - —	- - -	- - -	- - -	3,864 5 0	3,943 15 9	4,411 10 3
Amount of duty on licences granted for periods less than a year - —	- - -	- - -	- - -	8,861 0 6	9,585 16 3	9,074 1 1
Malt, from barley - - - bush.	34,449,646	36,078,835	37,196,998	4,449,745 18 10	4,660,185 8 9	4,804,612 4 10
Paper, first class - - - lbs.	44,713,546	45,329,243	53,300,963	558,919 6 6	566,615 10 9	523,788 3 1½
Second class - - - —	14,211,091	15,386,171	13,688,313	88,819 6 4	96,163 11 5	85,551 19 1
Pasteboard, millboard, &c. - cwts.	39,033	37,361	27,345	44,196 10 3	42,512 19 5	30,960 15 4
Stained - - - - yds.	8,071,994	7,624,697	2,797,380	58,851 14 6½	55,596 14 10½	20,397 3 11
Soap, hard - - - - lbs.	132,027,352	137,912,039	155,861,942	825,170 18 11½	861,950 4 7	849,137 19 11½
Soft - - - - - —	7,108,225	8,592,223	9,682,446	29,619 12 1	35,800 19 5	40,343 10 6
Spirits - - - - - galls.	7,644,301	7,315,053	7,875,703	2,866,612 17 6	2,743,144 17 6	2,953,388 5 0
Starch - - - - - lbs.	4,203,649	- - -	- - -	56,924 8 8½		
Stone bottles - - - cwts.	15,890	- - -	- - -	3,972 10 0		
Sweets - - - - - galls.	114,638	- - -	- - -	2,866 9 0		
Tea - - - - - lbs.	14,427,616	- - -	- - -	1,455,365 19 10		
Vinegar - - - - galls.	3,012,211	3,202,381	2,969,775	25,101 15 8	26,686 10 2	24,748 2 7
Total - -	- - -	- - -	- - -	13,061,852 3 7½	11,868,042 11 0	12,068,082 17 9

V. An Account of the Quantities of the several Articles charged with Duties of Excise in Scotland, together with the Gross Amount of Duty thereon, during the Years 1834, 1835, and 1836.

Articles.		Quantities charged.			Amount of Duty.		
		1834.	1835.	1836.	1834.	1835.	1836.
					L. s. d.	L. s. d.	L. s. d.
Auctions, Amount of Sales charged with duty	L.	575,034	549,590	554,497	21,620 16 1½	20,953 18 5	20,979 11 4
Bricks	No.	27,892,431	30,570,395	34,213,294	8,105 2 10	9,024 3 5	10,133 18 1
Glass, crown	cwts.	-	1,497	4,190	- -	5,501 9 6	15,402 16 10
Flint	—	6,367	6,362	8,781	17,827 12 0	14,472 5 4	8,197 16 1
Bottle	—	51,410	63,607	82,315	17,993 10 0	22,262 9 0	28,810 10 3
Licences, auctioneers'	No.	365	374	355	1,825 0 0	1,870 0 0	1,775 0 0
Brewers of strong beer, not exceeding 20 barrels	—	154	93	54	77 0 0	46 10 0	27 0 0
Ditto, exceeding 20 and not exceeding 50	—	45	28	17	45 0 0	28 0 0	17 0 0
Ditto, exceeding 50 and not exceeding 100	—	33	28	30	49 10 0	42 0 0	45 0 0
Ditto, exceeding 100 and not exceeding 1000	—	204	191	187	408 0 0	382 0 0	374 0 0
Ditto, exceeding 1000 barrels	—	116	119	116	939 15 0	975 10 0	1,034 5 0
Brewers of table beer	—	52	165	198	59 0 0	146 10 0	157 0 0
Retail brewers, under the Act 5 Geo. 4. c. 54.	—	22	16	17	115 10 0	84 0 0	89 5 0
Sellers of strong beer only, not being brewers	—	30	26	16	94 10 0	81 18 0	50 8 0
Beer retailers, whose premises are rated under 20*l.* per annum	—	16,203	16,275	16,604	17,013 3 0	17,088 15 0	17,434 4 0
Ditto ditto, 20*l.* or upwards	—	769	751	781	2,422 7 0	2,365 15 0	2,460 3 0
Tea and coffee dealers	—	13,423	13,582	13,522	7,382 13 0	7,470 2 0	7,437 2 0
Glass manufacturers	—	8	11	15	160 0 0	220 0 0	300 0 0
Maltsters	—	1,974	2,251	2,220	2,022 5 0	2,025 0 0	2,073 7 6
Paper-makers	—	48	48	48	192 8 0	192 0 0	192 0 0
Paper-stainers	—	2	2	-	8 0 0	8 0 0	
Soap-makers	—	28	24	21	112 0 0	96 0 0	84 0 0
Distillers and rectifiers	—	239	237	231	2,390 0 0	2,370 0 0	2,310 0 0
Dealers in spirits, not being retailers	—	534	539	536	5,340 0 0	5,390 0 0	5,360 0 0
Retailers of spirits whose premises are rated under 10*l.* per annum	—	11,494	11,716	12,027	36,004 8 0	35,304 3 0	25,337 11 0
Ditto ditto at 10*l.* and under 20*l.*	—	4,109	3,983	4,039	25,813 4 0	24,759 0 0	17,007 18 0
— 20*l.* — 25*l.*	—	222	219	237	2,088 9 0	2,066 8 0	1,502 11 0
— 25*l.* — 30*l.*	—	133	136	136	1,458 19 6	1,484 14 0	1,005 5 0
— 30*l.* — 40*l.*	—	156	159	151	1,961 8 0	1,999 4 0	1,272 12 0
— 40*l.* — 50*l.*	—	63	53	60	893 0 6	751 5 6	567 0 0
— 50*l.* and upwards	—	166	163	171	2,609 5 0	2,561 10 0	1,800 15 0
Makers of stills	—	16	13	11	8 0 0	6 10 0	5 10 0
Chemist, or any other trade requiring a still	—	39	43	41	19 10 0	21 10 0	20 10 0
Starch-makers	—	3	-	-	15 0 0		
Makers of sweets	—	5	-	-	10 10 0		
Retailers of ditto	—	37	42	40	38 17 0	44 2 0	42 0 0
Manufacturers of tobacco and snuff	—	141	129	138	940 0 0	910 0 0	965 0 0
Dealers in ditto	—	12,913	13,113	13,065	5,428 5 0	5,278 5 0	5,287 10 0
Vinegar-makers	—	6	6	6	30 0 0	30 0 0	30 0 0
Dealers in foreign wine, not having a licence for retailing spirits, and a licence for retailing beer	—	36	32	33	360 0 0	320 0 0	330 0 0
Dealers in foreign wine, having a licence to retail beer, but not having a licence to retail spirits	—	33	36	32	138 12 0	151 4 0	134 8 0
Dealers in foreign wine, having licences to retail beer and spirits	—	2,508	2,546	2,747	5,266 16 0	5,346 12 0	5,768 14 0
Passage vessels on board which liquors and tobacco are sold	—	77	90	70	77 0 0	90 0 0	70 0 0
Surcharges	—	-	-	-	193 7 6	152 10 0	188 7 6
Amount of duty on licences granted for periods less than a year	—	-	-	-	3,677 9 6	3,857 5 5	3,466 6 7
Malt from barley	bush.	3,580,758	3,604,816	4,168,854	462,514 11 6	465,622 1 4	538,476 19 6
From bear or bigg	—	910,534	854,787	734,333	91,053 8 0	85,473 14 0	73,433 6 0
Paper, first class	lbs.	7,466,550	8,626,830	10,445,972	93,331 17 6	107,835 7 6	103,107 14 1½
Second class	—	1,885,569	2,045,768	1,750,101	11,722 6 1½	12,786 0 8	10,938 2 7
Pasteboard, millboard, &c.	cwts.	9,992	11,985	8,613	10,096 17 0	11,580 18 11	8,313 7 2
Stained	yards	59,782	62,634	22,599	435 18 1½	456 14 0	164 15 8
Soap, hard	lbs.	12,516,691	10,894,168	10,677,268	76,979 6 4½	68,088 10 11	66,722 18 5
Soft	—	3,293,056	3,510,876	3,676,448	13,721 1 4	14,628 13 0	15,318 10 8
Spirits	galls.	6,045,043	6,013,932	6,620,826	1,007,507 3 4	1,002,322 0 0	1,103,471 0 0
Starch	lbs.	523,272	-	-	7,085 19 9		
Stone bottles	cwts.	1,021	-	-	255 5 0		
Sweets	galls.	8,969	-	-	224 4 6		
Vinegar	—	21,002	27,866	17,307	175 0 4	232 4 4	144 4 6
Total		-	-	-	1,966,183 11 1½	1,969,247 11 1	2,107,613 19 3½

VI. An Account of the Quantities of the several Articles charged with Duties of Excise, in Ireland, together with the Gross Amount of Duty thereon, during the Years, 1834, 1835, and 1836.

Articles.		Quantities charged.			Amount of Duty.		
		1834.	1835.	1836.	1834.	1835.	1836.
					L. s. d.	L. s. d.	L. s. d.
Auctions, amount of sales charged with duty	L.	330,925	294,866	400,041	11,644 1 11½	10,779 12 11	13,686 8 5
Glass, flint	cwts.	5,327	4,780	7,920	14,915 12 0	10,440 5 4	7,392 19 5
Bottle	—	11,584	9,576	11,778	4,054 8 0	3,352 6 0	4,122 16 6
Licences, auctioneers	No.	248	257	267	1,240 0 0	1,285 0 0	1,335 0 0
Brewers of strong beer, not exceeding 20 barrels	—	34	26	36	17 0 0	13 0 0	18 0 0
Ditto, exceeding 20 and not exceeding 50	—	5	4	4	5 0 0	4 0 0	4 0 0
Ditto, exceeding 50 and not exceeding 100	—	14	10	10	21 0 0	15 0 0	15 0 0
Ditto, exceeding 100 and not exceeding 1000	—	57	58	65	114 0 0	116 0 0	130 0 0
Ditto, exceeding 1000 barrels	—	145	146	148	1,621 10 0	1,656 0 0	1,650 0 0
Sellers of strong beer only, not being brewers	—	43	51	56	135 9 0	160 13 0	176 8 0
Beer retailers whose premises are rated under 20l. per annum	—	17,700	17,952	19,551	18,585 0 0	18,849 12 0	20,528 11 0
Ditto ditto at 20l. or upwards	—	1,735	1,697	1,732	5,465 5 0	5,345 11 0	5,455 16 0
Tea and coffee dealers	—	11,848	12,440	12,954	6,516 8 0	6,842 0 0	7,124 14 0
Glass manufacturers	—	7	6	8	140 0 0	120 0 0	160 0 0
Maltsters	—	349	336	349	954 0 0	944 15 0	988 17 6
Paper-makers	—	57	50	52	228 0 0	200 0 0	208 0 0
Paper-stainers	—	45	44	1	180 0 0	176 0 0	4 0 0
Soap-makers	—	204	204	210	816 0 0	816 0 0	840 0 0
Distillers and rectifiers	—	106	103	114	1,060 0 0	1,030 0 0	1,140 0 0
Dealers in spirits, not being retailers	—	372	381	433	3,720 0 0	3,810 0 0	4,330 0 0
Retailers of spirits whose premises are rated under 10l. per annum	—	13,124	13,287	14,763	39,856 19 0	39,279 9 0	32,176 4 0
Ditto ditto at 10l. and under 20l.	—	3,807	3,902	4,032	23,536 16 0	24,011 8 0	17,453 2 0
— 20l. — 25l.	—	463	451	444	4,282 19 0	4,252 10 0	2,898 0 0
— 25l. — 30l.	—	264	269	260	2,859 3 0	2,934 13 0	1,977 3 0
— 30l. — 40l.	—	339	350	388	4,433 4 0	4,355 8 0	3,372 12 0
— 40l. — 50l.	—	200	179	185	2,787 15 0	2,537 6 6	1,819 2 6
— 50l. and upwards	—	411	399	417	6,357 15 0	6,195 0 0	4,567 10 0
Makers of stills	—	7	6	6	3 10 0	3 0 0	3 0 0
Chemist, or any other trade requiring a still	—	29	35	31	14 10 0	17 10 0	15 10 0
Retailers of spirits in Ireland, being duly licensed to sell coffee, tea, &c., whose premises are rated under 25l. per annum	—	102	136	188	963 18 0	1,285 4 0	1,776 12 0
Ditto ditto at 25l. and under 30l.	—	7	7	9	73 10 0	73 10 0	94 10 0
— 30l. — 40l.	—	7	16	12	80 17 0	184 16 0	138 12 0
— 40l. — 50l.	—	9	14	11	113 8 0	176 8 0	138 12 0
— 50l and upwards	—	30	31	22	409 10 0	423 3 0	300 6 0
Starch-makers	—	23	-	-	115 0 0	-	-
Makers of sweets	—	8	-	-	16 16 0	-	-
Retailers of ditto	—	58	42	36	60 18 0	44 2 0	37 16 0
Manufacturers of tobacco and snuff	—	291	263	246	2,110 0 0	1,960 0 0	1,935 0 0
Dealers in ditto	—	11,636	12,349	13,042	2,909 0 0	3,087 5 0	3,260 10 0
Vinegar-makers	—	5	5	5	25 0 0	25 0 0	25 0 0
Dealers in foreign wine, not having a licence for retailing spirits, and a licence for retailing beer	—	168	168	165	1,680 0 0	1,680 0 0	1,650 0 0
Dealers in foreign wine, having a licence to retail beer, but not having a licence to retail spirits	—	36	41	36	151 4 0	174 4 0	151 4 0
Dealers in foreign wine, having licences to retail beer and spirits	—	2,721	2,707	2,993	5,714 2 0	5,684 14 0	6,285 6 0
Passage vessels on board which liquors and tobacco are sold	-	3	-	2	3 0 0	-	2 0 0
Surcharges	—	-	-	-	116 15 0	123 2 1	304 11 0
Amount of duty on licences granted for periods less than a year	—	-	-	-	5,789 18 0	6,091 0 3	5,618 2 3
Malt, from barley	bush.	1,776,883	1,825,300	1,872,104	229,514 1 1	235,767 18 6	241,813 8 8
From bear or bigg	—	427,775	528,345	418,431	42,777 10 0	52,834 10 0	41,843 2 0
Paper, first class	lbs.	1,873,625	2,223,482	2,435,754	23,439 6 3	27,793 10 6	24,803 1 4½
Second class	—	457,508	431,158	467,844	2,859 8 6	2,694 14 7	2,924 0 5
Pasteboard, millboard, &c.	cwts.	367	426	282	295 13 0	454 16 8	282 15 6
Stained	yards	618,268	560,600	212,648	4,508 4 0½	4,087 14 1	1,550 11 1
Spirits	galls	9,708,462	11,381,223	12,248,772	1,369,318 6 0	1,327,809 7 0	1,429,023 8 0
Sweets	—	3,178	-	-	79 9 0	-	-
Vinegar	—	58,038	45,565	54,141	483 13 0	379 17 6	451 3 6
Total	-	-	-	-	1,849,256 11 10½	1,822,373 11 9	1,897,602 6 1½

VII. An Account of the Quantities of the several Articles charged with Duties of Excise, in the United Kingdom, together with the Gross Amount of Duty thereon, during the Years 1834, 1835 and 1836.

Articles.		Quantities charged. 1834.	1835.	1836.	Amount of Duty. 1834. L. s. d.	1835. L. s. d.	1836. L. s. d.
Auctions, amount of sales charged with duty	L.	7,331,892	6,888,257	8,614,246	256,536 7 10½	246,379 15 10	294,476 5 6
Bricks	No.	1,180,161,228	1,380,279,065	1,640,981,686	317,305 5 2½	405,580 6 3	481,750 4 1
Glass, crown	cwts.	136,708	155,328	163,928	504,401 18 0	570,830 8 0	604,439 19 10
Flint	—	85,393	81,674	102,633	233,504 8 0	184,802 2 6	95,812 10 2
Plate	—	18,922	21,652	22,169	56,781 4 0	64,956 0 0	66,508 10 0
Broad	—	6,766	5,847	7,629	10,149 0 0	8,770 10 0	11,443 10 0
Bottle	—	344,014	379,321	448,789	120,404 18 0	132,762 7 0	157,077 4 9
Hops	lbs.	39,587,497	49,086,709	41,874,913	329,895 16 2	409,055 18 2	348,957 12 2
Licences, auctioneers'	No.	3,604	3,578	3,574	18,040 0 0	17,890 0 0	17,870 0 0
Brewers of strong beer, not exceeding 20 barrels	—	8,496	8,745	8,984	4,248 0 0	4,372 10 0	4,492 0 0
Ditto exceeding 20 and not exceeding 50	—	7,276	7,458	7,915	7,276 0 0	7,458 0 0	7,915 0 0
Ditto exceeding 50 and not exceeding 100	—	9,861	10,066	10,334	14,791 10 0	15,099 0 0	15,501 0 0
Ditto exceeding 100 and not exceeding 1,000	—	18,433	19,157	19,682	36,866 0 0	38,314 0 0	39,364 0 0
Ditto exceeding 1,000 barrels	—	1,806	1,867	1,932	17,212 15 0	16,612 10 0	17,371 10 0
Brewers of table beer	—	69	214	199	74 0 0	196 0 0	1,690 10 0
Retail brewers, under the act 5 Geo. 4. c. 54.	—	47	43	38	246 15 0	225 15 0	199 10 0
Sellers of strong beer only, not being brewers	—	1,074	1,091	1,066	5,383 2 0	5,436 13 0	5,357 18 0
Beer retailers, whose premises are rated under 20l. per annum	—	72,755	73,548	75,920	76,392 15 0	77,225 8 0	79,716 0 0
Ditto at 20l. or upwards	—	17,393	17,628	17,940	54,787 19 0	55,585 14 0	56,511 0 0
Retailers of beer, cider, or perry, under the provisions of the acts 1 Will. 4. c. 64. (to be drunk on the premises), and 4 & 5 Will. 4. c. 85. (not to be drunk on the premises)	—	37,381 {	35,536 / 4,118	39,104 / 5,030 }	90,997 4 0 {	111,938 8 0 / 4,323 18 0	123,173 8 0 / 5,281 16 0
Ditto of cider and perry only, under the said acts	—	1,054	1,913	1,608	1,106 14 0	2,008 13 0	1,688 8 0
Tea and coffee dealers	—	103,549	106,069	107,507	56,951 19 0	58,337 19 0	59,128 17 0
Glass manufacturers	—	122	128	151	2,440 0 0	2,560 0 0	3,020 0 0
Maltsters	—	12,891	12,808	12,830	25,931 5 0	25,870 12 6	26,030 0 0
Paper-makers	—	571	542	538	2,284 0 0	2,168 0 0	2,152 0 0
Paper-stainers	—	150	123	128	600 0 0	492 0 0	64 0 0
Soap-makers	—	471	450	432	1,884 0 0	1,800 0 0	1,728 0 0
Distillers and rectifiers	—	453	452	453	4,530 0 0	4,520 0 0	4,530 0 0
Dealers in spirits, not being retailers	—	3,925	3,963	3,982	39,250 0 0	39,630 0 0	39,820 0 0
Retailers of spirits, whose premises are rated under 10l. per annum	—	39,161	40,057	42,106	121,644 12 0	111,585 15 0	89,684 14 0
Ditto ditto at 10l. and under 20l.	—	26,358	26,867	27,122	165,446 8 0	154,359 2 0	114,502 10 0
—— 20l. —— 25l.	—	5,645	5,347	5,706	34,261 10 0	31,062 3 0	23,489 11 0
—— 25l. —— 30l.	—	2,159	2,435	2,267	23,655 19 6	23,784 12 0	16,761 13 6
—— 30l. —— 40l.	—	3,875	3,928	4,061	48,459 12 0	48,463 16 0	34,372 16 0
—— 40l. —— 50l.	—	2,528	2,472	2,540	35,357 3 6	34,913 0 6	24,229 16 0
—— 50l. and upwards	—	4,846	4,989	5,179	75,363 15 0	77,873 5 0	54,857 5 0
Makers of stills	—	23	19	17	11 10 0	9 10 0	8 10 0
Chemists, or any other trade requiring a still	—	68	78	72	34 0 0	39 0 0	36 0 0
Retailers of spirits in Ireland, being duly licensed to sell coffee, tea, &c., whose premises are rated under 25l. per annum	—	102	136	188	96,318 0 0	1,255 4 0	1,776 12 0
Ditto ditto at 25l. and under 30l.	—	7	7	9	73 10 0	73 10 0	94 10 0
—— 30l. —— 40l.	—	7	16	12	80 17 0	184 16 0	138 12 0
—— 40l. —— 50l.	—	9	14	11	113 8 0	176 8 0	138 12 0
—— 50l. and upwards	—	30	31	22	409 10 0	423 8 0	300 6 0
Starch-makers	—	60	-	-	300 0 0	-	-
Makers of sweets	—	28	-	-	58 16 0	-	-
Retailers of ditto	—	924	1,107	1,342	970 4 0	1,162 7 0	1,409 2 0
Manufacturers of tobacco and snuff	—	720	675	658	6,550 0 0	6,485 0 0	6,540 0 0
Dealers in ditto	—	172,300	176,370	180,664	43,075 0 0	44,092 10 0	45,180 5 0
Vinegar-makers	—	54	56	54	270 0 0	280 0 0	270 0 0
Dealers licensed to sell beer, but not licensed to sell spirits	—	1,960	1,934	1,957	19,600 0 0	19,340 0 0	19,570 0 0
Dealers in foreign wine, having a licence to retail beer, but not having a licence to retail spirits	—	115	121	108	483 0 0	510 4 0	453 12 0
Dealers in foreign wine, having a licence to retail beer and spirits	—	23,714	24,170	25,369	49,799 8 0	50,757 0 0	53,274 18 0
Passage vessels, on board which liquor and tobacco are sold	—	280	311	301	280 0 0	311 0 0	301 0 0
Surcharges	—	-	-	-	4,174 7 6	4,219 7 10	4,804 8 9
Amount of duty on licences granted for periods less than a year	—	-	-	-	18,328 8 0	19,534 1 11	18,158 9 11
Malt from barley	bush.	39,807,281	41,508,971	43,237,956	5,141,774 11 5	5,361,575 8 7	5,584,902 13 0
From bear or bigg	—	1,336,809	1,383,082	1,149,764	133,830 18 0	138,308 4 0	114,976 8 0
Paper, first class	lbs.	54,053,721	56,179,555	66,202,689	675,671 10 3	702,244 8 9	651,698 18 7½
Second class	—	16,552,168	17,863,095	15,906,258	103,451 0 11½	111,644 6 6	99,414 2 1
Pasteboard, millboard, &c.	cwts.	49,392	49,772	36,340	54,689 0 3	54,548 15 0	39,556 18 0
Stained	yds.	8,749,144	8,247,931	3,032,577	63,795 16 8½	60,141 2 11	22,112 10 8
Soap, hard	lbs.	144,344,043	148,806,207	146,539,210	902,150 5 4	930,038 15 8	915,860 18 4½
Soft	—	10,401,281	12,103,109	13,358,894	43,338 13 5	50,429 12 5	55,662 1 2
Spirits	galls.	23,597,806	24,710,408	26,745,301	5,243,438 6 10	5,075,276 4 6	5,485,882 13 0
Starch	lbs.	4,726,921	-	-	64,010 0 8½	-	-
Stone bottles	cwts.	16,911	-	-	4,227 15 0	-	-
Sweets	galls.	126,800	-	-	3,170 2 6	-	-
Tea	lbs.	14,427,616	-	-	1,455,365 19 10	-	-
Vinegar	galls.	3,091,254	3,275,832	3,041,223	29,760 9 0	27,298 12 0	25,343 10 7
Total			-	-	16,877,292 6 6½	15,655,663 13 10	16,073,299 3 2

VIII. An Account of the Revenue of Taxes in Great Britain, in 1833, 1834, 1835, and 1836, distinguishing by Estimate the Proportions collected under each Head of Duty. — (*Papers published by Board of Trade*, vol. vi. p. 34.)

Heads of Duty.	1833.		1834.		1835.		1836.	
	L.	L.	L.	L.	L.	L.	L.	L.
Land tax	- -	1,155,019	- -	1,203,578	- -	1,199,783	- -	1,199,609
Assessed taxes, viz.								
Windows — houses having 8 to 10	153,301	- -	158,853	- -	143,214	- -	146,056	
11 — 15	277,298	- -	287,036	- -	277,984	- -	289,535	
16 — 20	218,146	- -	227,351	- -	222,668	- -	231,900	
21 — 30	255,104	- -	263,255	- -	256,204	- -	268,011	
31 — 39	101,459	- -	105,494	- -	104,169	- -	108,843	
40 — 44	39,507	- -	41,240	- -	40,409	- -	42,464	
45 — 49	26,263	- -	27,648	- -	27,150	- -	28,261	
50 — 59	35,734	- -	36,678	- -	36,131	- -	37,972	
60 — 69	22,420	- -	23,174	- -	22,626	- -	23,962	
70 and upwards	72,736	- -	75,562	- -	71,935	- -	76,414	
		1,201,968		1,247,191		1,204,490		1,254,325
Inhabited house — rent 10*l.* — 15*l.* per ann.	104,805	- -	102,770					
15 — 20 —	83,372							
20 — 30 —	172,503	- -	203,214					
30 — 40 —	154,766							
40 — 50 —	144,670	- -	474,334					
50 — 60 —	101,372							
60 — 70 —	86,351							
70 — 80 —	55,180							
80 — 90 —	51,723							
90 — 100 —	25,534							
100 — 150 —	118,284							
150 — 200 —	51,872							
200 — 300 —	53,525							
300 — 400 —	21,617							
400 and upwards	37,180							
		1,262,754		780,318		57,000		
Male servants, where 1 only is kept	63,139	- -	67,104	- -	69,646	- -	70,877	
2 are kept	24,603	- -	25,240	- -	26,686	- -	28,353	
3 —	18,886	- -	19,516	- -	20,926	- -	22,591	
4 —	13,960	- -	14,285	- -	15,077	- -	15,975	
5 —	9,757	- -	9,890	- -	10,396	- -	10,853	
6 and under 10	19,933	- -	20,589	- -	20,715	- -	22,354	
10 and upwards	20,226	- -	20,820	- -	22,191	- -	22,022	
		170,504		177,244		185 637		193,907
Under gamekeepers	- -	265	- -	297	- -	292	- -	300
Travellers or riders, where 1 is kept	1,503							
2 or more	1,209							
		2,712						
Clerks and book-keepers, where 1 is kept	8,975							
2 or more	23,957							
		32,932						
Stewards, bailiffs, &c.	- -	5,736						
Shopmen, warehousemen, &c.	- -	28,464						
Waiters in taverns, &c.	- -	5,732	- -	3,987	- -	4,138	- -	4,294
Male persons not being servants to their employers	- -	9,011	- -	8,252	- -	8,387	- -	8,809
4-wheel carriages, where 1 only is kept	101,735	- -	105,561	- -	105,066	- -	108,728	
2 are kept	31,631	- -	34,501	- -	35,701	- -	41,684	
3 —	6,380	- -	6,861	- -	7,212	- -	8,095	
4 and upwards	3,273	- -	3,471	- -	3,878	- -	4,639	
		143,219		150,394		152,457		163,110
Post-chaises and carriages	- -	89,762	- -	100,819	- -	110,920	- -	125,046
2-wheel carriages	- -	173,506	- -	157,799	- -	160,746	- -	161,630
Horses used for riding or drawing carriages, where 1 is kept	169,825	- -	168,119	- -	139,186	- -	132,726	
2 are kept	70,128	- -	70,264	- -	74,015	- -	79,556	
3 —	26,804	- -	26,945	- -	28,112	- -	30,084	
4 —	15,357	- -	15,751	- -	16,489	- -	17,456	
5 —	8,548	- -	8,487	- -	8,366	- -	8,643	
6 —	5,924	- -	5,676	- -	6,186	- -	6,278	
7 and upwards	18,503	- -	19,141	- -	20,102	- -	20,212	
		315,089		314,383		292,456		294,955
Horses charged at modified rates	- -	35,875	- -	36,019	- -	33,715	- -	36,055
Other horses and mules	- -	63,293	- -	62,535	- -	60,288	- -	59,211
Dogs, exclusive of packs of hounds	169,421	- -	164,924					
Packs of hounds	2,659	- -	2,979					
		172,080		1,172,275		169,349		158,191
Horse dealers, London, &c.	1,921	- -	1,650					
Other parts	11,557	- -	11,315					
		13,478		12,965		13,866		13,926
Hair powder	- -	11,746	- -	11,001	- -	9,664	- -	8,014
Armorial bearings	- -	56,931	- -	59,226	- -	60,028	- -	62,397
Game certificates	135,082	- -	140,410					
Certificates for sale of game	1,394	- -	1,454					
		136,476		141,864		140,290		142,082
Composition duties	- -	23,050	- -	22,005	- -	26,771	- -	33,969
Penalties and costs	- -	- -	- -	- -	- -	- -	- -	1,093
Total assessed taxes	- -	3,954,583	- -	3,458,678	- -	2,681,500	- -	2,721,521
Total land tax	- -	1,155,019	- -	1,203,578	- -	1,199,783	- -	1,199,609
Total receipts	- -	5,109,602	- -	4,662,256	- -	3,881,283	- -	3,921,130

N. B. The assessed taxes in Ireland were repealed in 1825.

IX. An Account of the Nett Produce of the Revenue of Stamps in Great Britain, and in Ireland, in 1837. — (*Annual Finance Book for* 1837, p. 46.)

	England.	Scotland.	Great Britain.
	L. s. d.	L. s. d.	L. s. d.
Deeds and other instruments not included under any of the following heads	1,338,516 5 5½	112,299 8 3	1,450,815 13 8½
Probates of wills and letters of administration	889,408 15 7	55,599 13 6	945,408 9 1
Bills of exchange	413,218 9 0½	92,468 6 8	505,686 15 8½
Bankers' notes	14,476 16 10	5,749 7 1	20,226 3 11
Composition for the duties on the bills and notes of the Bank of England, and of country bankers	90,559 0 0	- -	90,559 0 0
Receipts	142,724 15 0½	14,524 3 5	157,248 18 5½
Marine insurances	201,697 6 3	20,680 6 3	222,377 12 6
Licences and certificates	186,247 16 6	22,507 12 0	208,755 8 6
Newspapers and supplements, and papers for advertisements	182,950 0 6	18,671 13 3	201,621 13 9
Medicine	26,862 16 0	186 6 7½	27,049 2 7½
Legacies	1,094,062 11 7	76,631 18 8	1,170,694 10 3
Fire insurances	768,531 11 3	54,340 4 3	822,871 15 6
Gold and silver plate	74,473 11 6½	4,043 10 0	78,517 1 6½
Cards	13,294 8 0	- -	13,294 8 0
Dice	1,163 0 0	- -	1,163 0 0
Advertisements	90,501 0 7	11,438 18 0	101,939 18 7
Stage carriages	466,838 19 0½	32,103 15 6½	498,942 14 7½
Post horses	14,699 4 7	- -	14,699 4 7
Hackney carriages	45,266 0 0	- -	45,266 0 0
Penalties in law proceedings, and costs received	1,701 0 4	311 5 9	2,012 6 1
	6,057,593 8 2	521,556 9 3	6,579,149 17 5
Ireland			460,388 16 6½

X. Account of the Number of each Article charged to the assessed Taxes and of the Amount of Duty accruing thereon in Great Britain, in 1833, 1834, and 1835

	1833.		1834.		1835.	
	Number Assessed.	Amount of Duty.	Number Assessed.	Amount of Duty.	Number Assessed.	Amount of Duty.
		L. s. d.		L. s. d.		L. s. d.
Window duty	379,991	1,274,187 18 3	366,082	1,262,318 2 6	372,070	1,276,920 17 9
House duty	442,482	1,198,000 12 3½	Repealed.			
Servants	104,841	188,944 10 0	104,938	189,504 15 0	107,879	195,020 11 0
Other male persons	13,828	13,364 1 0	13,394	13,070 19 0	13,581	13,480 9 0
Four-wheel carriages charged progressively	24,879	155,837 17 0	25,069	155,218 11 0	26,469	164,328 8 6
Additional bodies	20	63 0 0	12	37 16 0	11	34 13 0
Other four-wheeled carriages let to hire	21,949	103,166 10 0	24,167	112,897 15 0	27,075	125,941 10 0
Two wheeled carriages	50,002	161,593 0 0	50,779	163,638 1 0	50,692	162,822 5 0
Additional bodies	14	22 1 0	12	18 18 0	6	9 9 0
Riding horses charged progressively	181,023	327,328 0 3	156,978	293,389 14 6	158,276	300,034 11 6
Other horses, charged at modified rates	33,734	37,503 6 0	30,354	33,821 7 0	30,706	36,680 13 6
Other horses and mules	121,043	63,547 11 6	113,396	59,632 18 0	118,545	59,611 2 6
Dogs, exclusive of packs of hounds	333,335	173,888 0 0	292,668	157,032 18 0	289,314	155,648 2 0
Packs of hounds	85	3,060 0 0	90	3,240 0 0	91	3,276 0 0
Horse dealers	1,041	13,875 0 0	1,037	13,762 10 0	1,016	13,775 0 0
Hair powder	9,472	11,129 12 0	8,447	9,925 4 6	7,125	8,371 17 6
Armorial bearings	29,744	60,845 8 0	30,181	61,806 12 0	30,783	63,168 0 0
Game certificates	41,909	145,390 2 0	42,188	146,800 14 0	40,663	141,508 5 6
Totals		3,929,546 9 3½		3,259,792 2,675,816 15 6	1,269,302	2,720,431 15 9

XI. An Account of the Amount of Postage collected at the undermentioned Cities and Towns of the United Kingdom during the Years 1835 and 1836. — (*Papers published by Board of Trade*, vol. vi. p. 41.)

Places.	1835.	1836.	Places.	1835.	1836.
	L. s. d.	L. s. d.		L. s. d.	L. s. d.
London	664,189 5 2	692,509 19 1	Preston	5,230 1 8	5,669 13 5
Birmingham	30,802 1 11	33,119 11 9	Sheffield	12,215 4 8	13,184 14 3
Bristol	33,730 4 6	35,561 13 0	Edinburgh	41,978 4 1½	43,520 14 8
Coventry	4,543 18 4	4,824 13 11	Aberdeen	8,586 9 9	9,429 16 9½
Hull	15,219 17 1	16,071 15 6	Dundee	8,892 5 8	9,971 16 7
Leeds	22,192 11 10	23,400 14 9	Glasgow	39,954 4 5½	42,569 18 10½
Leicester	6,710 14 4	7,091 19 5	Dublin	69,862 12 11	70,563 4 10½
Liverpool	82,639 1 3	90,013 4 3	Belfast	10,971 17 10	11,784 19 10
Manchester	64,373 7 8	70,203 9 3	Cork	13,022 5 0	13,936 12 6
Macclesfield	2,053 2 0	2,154 11 3	Limerick	6,922 16 7	7,203 17 1
Norwich	9,557 10 3	9,926 4 2	Drogheda	2,057 18 5	2,244 7 1
Nottingham	9,097 15 1	9,460 4 5	Londonderry	3,798 19 7	3,921 12 1
Potteries and Newcastle (Stafford)	7,106 10 6	7,178 19 4	Waterford	5,334 4 11	5,535 13 7

XII. An Account showing the Amount of Property estimated and assessed, in each County of England and Wales, and in Scotland under the different Schedules of the Property Tax Act for the Year 1814–15. — (*Furnished by Mr. Wood.*)

Counties.	Schedule A. (assessed to the Owner.) Property from Lands.	Property from Houses.	Amount of Tithes.	Profits from Manors.	Amount of Fines.	Profits of Quarries.	Profits of Mines.	Profits of Iron Works, &c.	General Profits chargeable under Schedule A.	Total.	Schedule B. assessed to the Occupier.	Schedule C. Dividends of Public Annuities and other Securities.	Schedule D. Profits of Trade, &c.	Schedule E. Public Office and Employments.
	L.	L.	L.	L.	L.	L.	L.	L.	L.	L.	L.		L.	L.
Bedford	316,595	32,738	15,574	74	-	-	-	127	59	365,167	307,840		97,848	1,481
Berks	502,096	140,211	67,511	209	5,812	-	-	4,506	285	720,630	503,557		299,997	3,218
Bucks	548,630	85,716	27,754	810	3,549	-	-	219	-	664,478	548,630		223,256	2,038
Cambridge	541,525	68,812	46,683	4,457	40,735	-	-	-	738	702,750	541,300		234,251	5,110
Chester	805,141	216,395	55,876	494	4,025	699	15,085	19,221	50	1,114,984	806,758		287,159	4,207
Cornwall	629,259	122,007	77,250	446	2,793	2,685	78,375	9,423	1,823	924,061	630,047		253,269	3,182
Cumberland	561,468	94,144	15,101	1,758	81	3,028	60,102	1,421	336	737,439	559,731		179,883	3,257
Derby	707,250	87,563	20,775	62	-	1,164	26,217	39,915	72	885,018	716,496		209,988	2,908
Devon	1,360,812	388,375	133,591	680	178	5,232	25,665	10,225	220	1,924,978	1,351,091		697,359	9,380
Dorset	564,577	89,220	67,005	671	826	237	-	1,670	-	724,004	566,013		241,832	4,005
Durham	543,411	126,991	34,771	3	24,243	1,448	68,045	6,286	19	805,217	531,988		249,213	4,654
Essex	1,109,829	268,719	183,871	10,720	54	25	-	7,335	623	1,581,176	1,112,592		600,723	9,021
Gloucester	971,410	276,655	57,530	446	1,124	559	5,916	5,587	480	1,319,687	971,815		356,703	2,575
Hereford	524,781	48,098	57,292	-	-	-	-	-	-	630,171	530,205		252,059	3,114
Hertford	397,539	128,492	50,183	3,641	-	58	-	3,792	-	583,705	397,539		262,471	4,519
Huntingdon	277,463	32,909	10,273	1,638	-	-	-	2,795	906	325,984	277,735		108,401	4,156
Kent	961,368	546,502	166,410	43	9,802	-	-	5,899	-	1,690,024	959,368		1,622,458	21,365
Lancaster	1,463,183	1,488,655	58,750	1,655	200	6,326	51,899	68,167	22	3,138,857	1,442,468		2,283,852	39,265
Leicester	807,558	125,689	15,772	82	-	1,113	2,070	43	3	952,330	810,291		319,608	5,828
Lincoln	1,865,086	156,603	61,028	2,467	-	119	-	6,452	-	2,091,755	1,858,084		374,581	6,465
London	-	1,025,650	19,297	-	-	-	-	-	-	1,042,947	-		7,857,403	1,111,712
Middlesex	515,038	2,775,264	19,045	5,444	-	-	-	4,715	-	3,317,506	396,330		4,065,707	35,408
Monmouth	231,113	43,382	17,440	3,726	120	-	4,260	2,433	-	303,074	231,113		111,451	457
Norfolk	1,102,352	229,634	164,466	9,991	4,835	-	-	78	528	1,511,884	1,087,481		522,967	16,551
Northampton	846,172	81,550	19,215	155	249	444	-	196	-	947,781	850,385		184,835	1,431
Northumberland	999,951	175,681	71,596	28	7,531	2,313	94,187	17,708	-	1,368,795	956,515		441,528	5,865
Nottingham	604,220	122,237	16,301	-	-	-	-	355	-	746,867	587,964		314,159	1,840
Oxford	589,594	112,673	39,173	3	48,945	-	-	121	573	791,082	589,594		309,480	4,724
Rutland	123,296	8,085	5,663	-	-	30	-	1,140	-	138,214	125,371		30,927	800
Salop	823,845	140,664	89,159	4,510	166	425	14,224	11,230	752	1,084,975	824,226		279,182	4,760
Somerset	1,491,734	675,383	101,458	515	8,064	632	17,502	1,281	833	2,297,148	1,479,216	130,048,619	1,258,293	14,192
Southampton	707,197	367,596	139,873	1,221	9,692	-	169	9,715	1,170	1,236,563	706,550		918,872	10,716
Stafford	862,973	246,495	43,589	433	-	559	37,272	6,434	740	1,198,475	862,646		517,287	10,833
Suffolk	826,228	171,551	137,440	7,905	1,001	148	-	3,103	739	1,148,115	825,802		444,074	11,679
Surrey	437,958	1,065,736	54,339	3,464	8,212	335	-	6,050	123	1,576,217	439,322		1,583,080	17,804
Sussex	641,736	168,978	100,946	2,339	1,606	180	4	4,360	66	920,215	628,690		566,465	4,611
Warwick	858,995	509,503	28,145	204	-	-	4,155	89,079	-	1,269,879	835,422		665,998	13,089
Westminster	2,631	1,285,453	-	-	19,715	-	-	-	-	1,305,797	2,631		2,765,942	45,312
Westmorland	260,945	28,639	6,213	565	10	424	2,047	355	152	299,328	263,853		51,892	1,172
Wilts	964,611	146,037	90,971	40	-	110	-	812	3,757	1,206,338	965,079		380,482	6,981
Worcester	609,746	155,663	47,019	23	97	174	296	6,041	-	819,059	609,734		274,458	1,137
York	3,563,980	822,859	128,042	1,790	3,269	8,490	42,476	186,873	3,206	4,760,985	3,555,381		1,717,155	24,720
Anglesea	76,105	4,058	14,439	-	-	-	-	-	-	94,602	76,105		3,958	
Brecon	135,191	14,388	8,330	-	-	-	2,252	2,040	-	162,181	111,465		29,162	490
Cardigan	126,399	6,071	13,465	-	-	-	-	-	-	145,935	124,939		14,412	282
Carmarthen	240,714	19,851	14,924	-	-	-	5,655	886	-	282,030	240,714		30,520	5,361
Carnarvon	105,852	10,737	14,244	-	-	300	80	-	-	131,213	105,852		20,642	220
Denbigh	224,672	41,062	31,800	-	-	10,836	3,769	388	-	312,533	222,608		21,169	215
Flint	159,753	5,782	9,100	-	-	120	20,918	-	-	175,673	153,730		11,666	795
Glamorgan	229,013	70,403	17,021	921	-	697	26,925	26,254	-	371,231	229,384		103,588	3,149
Merioneth	96,343	8,600	7,296	-	-	-	-	-	-	112,239	96,343		7,322	68
Montgomery	181,881	14,789	15,550	-	-	8	-	-	-	212,208	175,576		18,749	794
Pembroke	181,057	20,096	15,795	38	-	603	3,102	-	-	220,291	181,057		43,102	1,531
Radnor	90,652	1,966	10,960	-	-	-	-	-	-	103,578	90,524		3,714	20
England and Wales	34,330,462	14,895,130	2,732,690	71,671	206,730	49,501	616,201	574,728	18,255	53,495,368	34,928,648	30,048,619	34,287,685	1,516,143
Scotland	5,075,242	1,364,270	209	-	9,815	20,876	62,584	62,960	46,999	6,642,955	4,367,489	-	2,771,303	511,703
Great Britain	39,405,704	16,259,400	2,732,899	71,671	216,545	70,377	678,785	637,688	65,254	60,138,323	38,396,137	30,048,619	37,058,988	2,027,846
Public Offices	-	-	-	-	-	-	-	-	-	-	-	-	-	9,243,122
														11,270,968

XIII. Table exhibiting the Aggregate Amount of Property assessed in Great Britain under each Schedule of the Property Tax Act in 181–415, with the respective Gross and Nett Assessments on the same.

Schedules.	Property assessed.	Gross Assessment.	Nett Assessment.
	L.	L.	L.
A. - - - - - - -	60,138,323	5,923,486	5,923,189
B. - - - - - - -	27,705,230*	2,734,451	2,176,288
C. - - - - - - -	30,048,619	2,885,505	2,885,505
D. - - - - - - -	37,058,988	3,831,088	3,146,332
E. - - - - - - -	11,270,968	1,174,456	1,167,678
Totals - -	166,222,128	16,548,985	15,298,982

N.B. The returns of the annual value of real property, and of trades and professions, in the statistical notices of the different English counties given in this work (Vol. I. pp. 172—232.), do not exactly agree with those in Table XIII.; but the differences are quite inconsiderable. They were taken from the *Parliamentary Paper*, No. 337. Session 1831.

XIV. A Return, showing the Amount of Capital on which the several Rates of Legacy Duty have been paid in Great Britain in the Years 1834 and 1835; distinguishing the Amount of each Rate paid in each Year, and the Total Amount of each Rate paid in these Years. —(*Parl. Paper*, No. 253. Sess. 1836.)

Year and Rate of Duty.	Capital.	Year, and Rate of Duty.	Capital.	Totals of the Capital paid upon at each Rate for the Years 1834 and 1835.
1834.	L. s. d.	1835.	L. s. d.	L. s. d.
At 1 per cent.	22,109,303 6 8	At 1 per cent.	22,085,931 13 4	At 1 per cent. 44,195,235 0 0
— 2½ —	160,338 13 4	— 2½ —	206,593 6 8	— 2½ — 366,932 0 0
— 3 —	12,400,973 14 11	— 3 —	11,931,662 7 2	— 3 — 24,332,636 2 1
— 4 —	36,792 1 8	— 4 —	16,549 15 10	— 4 — 53,341 17 6
— 5 —	1,558,875 3 4	— 5 —	1,642,198 1 8	— 5 — 3,201,073 5 0
— 6 —	300,872 14 1	— 6 —	300,998 1 1	— 6 — 601,870 15 2
— 8 —	91,538 9 9	— 8 —	94,844 12 8	— 8 — 186,383 2 5
— 10 —	4,915,934 0 10	— 10 —	4,813,882 17 6	— 10 — 9,729,816 18 4
	41,574,628 4 7		41,092,660 15 11	

XV. A Return, showing the Amount of Capital on which the several Rates of Legacy Duty have been paid in Ireland, in the Years 1834 and 1835; distinguishing the Amount of each Rate paid in each Year, and the Total Amount of each Rate paid in these Two Years.

Rate of Duty.	1834.		1835.	
	Amount of Capital paid upon at each Rate.	Amount of Legacy Duty received at each Rate.	Amount of Capital paid upon at each Rate.	Amnt. of Legacy Duty received at each Rate.
L. s.	L. s. d.	L. s. d.	L. s. d.	L. s. d.
At 0 10 per cent.	1,243,471 0 0	7,035 2 4	1,552,892 0 0	8,584 12 6
— 1 5 —	606,059 0 0	8,582 7 6	597,406 0 0	8,917 6 3
— 2 0 —	85,912 0 0	1,976 0 0	68,591 0 0	1,470 0 0
— 2 10 —	81,983 0 0	2,247 10 0	4,382 0 0	147 10 0
— 5 0 —	165,792 0 0	9,413 5 0	145,377 0 0	8,143 10 0

Sect. II. — *Expenditure.*

The public expenditure is made up, as any one may readily imagine, of a vast variety of items. In most countries with a maritime frontier, the cost of the army and navy is the most important item, and it, no doubt, occupies a very prominent place in the British budgets. But the most important article by far in our expenditure is the interest of the National Debt, or of the various sums borrowed from and due to the public creditor. The expense of the civil government of the country is not so great, perhaps, as might have been expected.

* This is the same given under schedule B, deducting, as was ordered by the act, ¼ in England, and ½ in Scotland, to get the nett profits of the occupiers. See Vol. I. p. 534.

AN ACCOUNT of the Public Expenditure of the United Kingdom in 1835, 1836, and 1837. — (*Parl. Paper*, No. 528. Sess. 1838.)

Heads of Expenditure.	1835.		1836.		1837.	
	L.	L.	L.	L.	L.	L.
Revenue—Charges of Collection:						
Civil Departments { Customs	675,542	- -	647,138	- -	635,842	
Civil Departments { Excise	887,500	- -	869,191	- -	862,080	
		1,563,042		1,516,329		1,497,922
Preventive Service, Land Guard, Revenue Police Cruisers & Harbour Vessels	- -	576,041	- -	562,219	- -	561,096
		2,139,683		2,078,548		2,059,018
Stamps	- -	187,098	- -	159,394	- -	159,055
Assessed and Land Taxes	- -	181,983	- -	176,211	- -	165,130
Other Ordinary Revenues	- -	46,233	- -	47,657	- -	49,427
Superannuation and other Allowances	- -	388,499	- -	389,435	- -	381,162
Total Revenue	- -	2,943,496	- -	2,851,225	- -	2,813,792
Public Debt.						
Interest of Permanent Debt	23,556,908	- -	24,156,664	- -	24,215,779	
Terminable Annuities	4,042,591	- -	4,224,427	- -	4,195,745	
Management	165,965	- -	126,958	- -	132,482	
	27,765,464	- -	28,508,049	- -	28,544,006	
Interest on Exchequer Bills	740,211	- -	726,824	- -	936,688	
Total Debt		28,505,675		29,234,873		29,480,694
Civil Government. Civil List. Privy Purse.						
Salaries of the Household; Tradesmen's Bills	411,800	- -	411,800	- -	391,972	
The Allowances to the several Branches of the Royal Family, and to his Royal Highness Leopold Prince of Cobourg now King of the Belgians	208,052	- -	206,000	- -	278,857	
The Lord Lieutenant of Ireland's Establishment	33,956	- -	33,345	- -	31,953	
The Salaries and Expenses of the Houses of Parliament (including Printing)	160,832	- -	137,731	- -	157,820	
Civil Departments (exclusive of those in Army, Navy, and Ordnance Estimates), including Superannuation Allowances	355,485	- -	366,932	- -	406,202	
Other Annuities, Pensions, and Superannuation Allowances on the Consolidated Fund, and on the Gross Revenue	339,370	- -	325,664	- -	322,641	
Pensions Civil List	75,000	- -	75,000	- -	71,589	
Total Civil Government		1,584,475		1,556,472		1,721,034
Justice.						
Courts of Justice	402,860	- -	390,857	- -	404,952	
Police and Criminal Prosecutions	247,605	- -	329,520	- -	492,772	
Correction	372,286	- -	289,827	- -	428,711	
Total Justice		1,022,751		1,010,184		1,326,435
Diplomatic.						
Foreign Ministers' Salaries and Pensions	176,015	- -	198,301	- -	188,142	
Consuls' Salaries and Superannuation Allowances	141,620	- -	94,620	- -	99,950	
Disbursements, Outfit, &c.	41,329	- -	22,515	- -	28,840	
Total Diplomatic		358,964		315,436		316,932
Forces.						
Army { Effective { Number of men	(80,652)	- -	(80,557)	- -	(78,080)	
Army { Effective { Charge	3,017,862	- -	3,829,803	- -	3,941,996	
Army { Non-effective { Number of men	(88,680)	- -	(87,122)	-	(85,965)	
Army { Non-effective { Charge	2,788,281	- -	2,643,380	- -	2,579,719	
Total Army	6,406,143	- -	6,473,183	- -	6,521,715	
Navy { Effective { Number of men	(26,262)	- -	(29,076)	- -	(30,995)	
Navy { Effective { Charge	2,541,434	- -	2,616,829	- -	3,216,075	
Navy { Non-effective { Number of men	(27,199)	- -	(26,227)	- -	(25,329)	
Navy { Non-effective { Charge	1,557,996	- -	1,588,897	- -	1,534,584	
Total Navy	4,099,430	- -	4,205,726	- -	4,750,659	
Ordnance { Effective { Number of men	(8,331)	- -	(8,327)	- -	(8,652)	
Ordnance { Effective { Charge	987,656	- -	1,274,442	- -	1,290,358	
Ordnance { Non-effective { Number of men	(1,384)	- -	(1,403)	- -	(1,513)	
Ordnance { Non-effective { Charge	164,258	- -	159,617	- -	154,165	
Total Ordnance	1,151,914	- -	1,434,059	- -	1,444,523	
Total Forces		11,657,487		12,112,968		12,716,897
Bounties, &c. for promoting Fisheries	- -	14,539	- -	15,683	- -	12,466
Public Works	- -	280,600	- -	316,841	- -	304,896
Payments out of the Revenue of Crown Lands, for Improvements and various Public Services	- -	382,491	- -	327,458	- -	324,451
Post Office; Charges of Collection and other Payments	- -	686,141	-	712,304	- -	688,704
Quarantine and Warehousing Establishments	- -	113,989	- -	111,563	- -	121,700
Miscellaneous Services, not classed under the foregoing Heads	- -	1,237,031	- -	2,254,296	- -	1,491,112
Total Expenditure	- -	48,787,639	- -	50,819,305	- -	51,319,113
Surplus	- -	1,707,093	- -	2,075,993	- -	
	- -	50,494,732	- -	52,895,298	- -	51,319,113
Memorandum.—The Amount of Terminable Annuities on 5th of January was	- -	4,188,809	- -	4,220,817	- -	4,202,042
In corresponding Perpetuities, as estimated by Mr. Finlaison	- -	1,970,019	- -	1,928,155	- -	1,870,745
Difference	- -	2,218,790	- -	2,292,662	- -	2,331,297

RETURN of the Establishments of the Public Departments and Offices in Great Britain and Ireland in 1815 and 1835 respectively; showing the Reductions or Additions which have been made in each Office, and the total Amount of Reductions since 1815. — (*Parl. Paper*, No. 609. Sess. 1836.)

Departments.	Establishment. 1815. No. of Persons.	Establishment. 1815. Amount of Salaries.	Establishment. 1835. No. of Persons.	Establishment. 1835. Amount of Salaries.	Reductions. No. of Persons.	Reductions. Amount of Salaries.	Additions. No. of Persons.	Additions. Amount of Salaries.
GREAT BRITAIN.		L.		L.		L.		L.
Treasury, including Commissariat and Solicitor	155	83,767	92	56,346	63	27,421		
Exchequer Offices	90	73,528	14	7,005	56	58,994		
Paymaster of Civil Services	-	-	20	7,529				
Privy Council Office	21	12,830	18	9,958	3	2,872		
— for Trade	20	5,423	29	11,331	-	-	9	5,908
Secretary of State, Home Department	31	22,177	30	19,678	1	2,499		
— Foreign	33	23,337	30	21,584	-	1,753	6	
— Colonial	25	19,985	31	20,487	-	-	6	502
India Board	33	22,966	38	21,300	-	1,666	5	
Privy Seal Office	1	3,000	1	2,000	-	1,000		
Alien Office	19	3,710	7	1,161	12	2,549		
Registrar of Colonial Slaves' Office	-	-	4	1,210	-	-	4	1,210
State Paper Office	6	1,083	6	1,573	-	-	-	490
Commander-in-Chief's Office	29	8,073	21	7,167	8	911		
Adjutant General's Office	29	3,968	22	3,870	7	98		
Quartermaster General's Office	21	3,024	19	2,210	2	814		
War Office, including Office for Military Boards	215	61,544	84	32,042	131	29,502		
Judge Advocate General's Office	8	4,630	7	3,460	1	1,170		
Army Medical Board Office	14	6,372	5	2,850	9	3,522		
Chaplain General's Office	3	963	2	276	1	687		
Army Pay Office	81	22,295	51	17,614	30	4,681		
Ordnance Department	1,907	281,302	996	159,128	911	122,174		
Chelsea Hospital, including Secretary's, Agent's, and Treasurer's Offices	91	14,337	157	23,999	-	-	66	9,662
Royal Military College	144	20,565	80	-	64	20,565		
Royal Military Asylum	78	3,581	67	3,699	11	-	-	118
Admiralty and Naval Departments	2,146	531,460	821	227,971	1,325	303,489	1,125	
Customs' Department, including Coast Guard	10,477	971,162	11,602	940,762	-	30,400		
Excise Department	7,926	874,757	6,072	722,456	1,854	152,301		
Stamp and Taxes ditto	1,063	210,276	660	106,347	403	103,929		
Post Office	1,456	115,974	1,774	124,439	-	-	318	8,465
Mint Office	28	10,303	30	10,110	-	203	2	
Audit Office, and other Offices transferred to that Department	282	93,128	130	39,050	152	54,078		
National Debt Office	8	2,978	31	8,717	-	-	23	5,739
Exchequer Bill Office	13	3,800	11	3,610	2	190		
Woods, Forests, Land Revenue, Public Works' Office	79	18,594	60	18,445	19	149		
Stationery Office	45	5,779	34	5,070	11	709		
Alienation Office	8	760	7	800	1	-	-	40
Lottery Office	93	10,382	-	-	93	10,382		
Exchequer and other Departments in Scotland	325	123,261	296	94,782	29	28,479		
IRELAND.								
Chief Secretary's Office	71	20,602	38	14,536	33	6,066		
Chief Secretary's Office in London	12	2,770	8	2,410				
Privy Council Office	7	2,575	7	2,575	4	360		
Vice-Treasurer's Office, late Irish Treasury, &c.	57	28,769	13	4,964	44	23,805		
Teller's Office, Exchequer	6	2,026	5	1,680	1	346		
Privy Seal Office	2	1,384	2	100	-	1,284		
Office of Public Works	62	10,328	19	5,096	43	5,232		
Office of Lieutenant-General Commanding	6	2,014	6	1,066	-	948		
Army Medical Office	7	1,934	3	1,044	4	890		
Quartermaster General's Office	8	1,122	6	904	2	458		
Deputy Judge Advocate General's Office	2	969	1	597	1	372		
Provost Marshal General's Office	3	223	1	168	2	55		
Adjutant General's Office	16	1,192	9	1,018	7	174		
Commissariat Department	40	7,449	12	2,248	28	5,201		
Royal Hospital, Kilmainham	62	4,516	54	2,136	8	1,380		
Board of Charitable Donations	1	138	1	184	-	-	-	46
Board of Education	-	-	25	4,756	-	-	25	4,756
	27,365	3,763,100	23,578	2,786,278	5,376	1,013,758	1,589	36,936
Abate Additions		-		-	1,589	36,936		
Total Reduction as compared with 1815				-	3,787	976,822		

In 1815 some of these offices were paid partly by fees, for which fixed salaries have since been substituted; wherever the amount of fees can be ascertained, they are included under the head of salaries; in some cases the amount cannot be stated, and the reductions in those instances are really greater than they appear in this statement. — (*Official Note.*)

SECT. III. — *Local Taxation and Expenditure.*

EXCLUSIVE of the taxes imposed for public purposes, a large amount of revenue is collected in Great Britain and Ireland for objects of local expenditure. This is principally effected by means of county rates, of which the poor rates form, in England and Wales, by far the most important item; they also include rates for the maintenance of gaols and houses of correction, the prosecution of criminals, the repair of roads, bridges. &c. — In towns there are rates for defraying the cost of police, and of lighting, cleaning, &c. These different rates amount in the aggregate to a very large sum.

It has been the uniform intention of the legislature, as evinced by the different acts on this subject from the 22 Henry VIII. cap. 5., down to the 55 Geo. III. cap. 51., that the county rates should fall equally on all sorts of property, whether real or personal. But the practical difficulties in the way of taxing stock in trade, profits, or monied property, having been found to be quite insuperable, the rates in question have been always, or almost always, defrayed by assessments on land and buildings. The principle on which these have been assessed has varied in different parts of the country; and in some counties the assessments to the county rate have been continued on the same footing for a very long series of years, notwithstanding the great changes that have taken place in the interim.* In consequence, very striking inequalities in the amount of the assessment imposed on the different species of real property have grown up in many places, and have occasioned many well-founded complaints. In Lancashire, and the West Riding of Yorkshire, where the inequalities in question were very conspicuous, new valuations have been recently effected, by which they will be in a great measure obviated; and notwithstanding the various obstacles in the way of such new valuations, there can be little doubt that they will be gradually effected in most other counties.

I. SUMMARY of the Expenditure of County Rates, in England and Wales, for 1792 and 1832, or for such other Year as could be obtained nearest to each Period under the subjoined Heads, with the Increase or Decrease of each. — (*Lords' Report of 1835 on County Rates*, p. 275.)

Heads of Charge.	Expenditure.												Gross Increase.			Gross Decrease.			Nett Increase.		
	1792, or other Year.						1832, or other Year.														
	L.	s.	d.				L.	s.	d.				L.	s.	d.	L.	s.	d.	L.	s.	d.
Bridges	42,237	0	0				74,501	0	0				46,583	0	0	14,239	0	0	32,264	0	0
Gaols, Houses of Correction, &c.	92,319	0	0				177,245	0	0				120,047	0	0	35,121	0	0	84,926	0	0
Prisoners, Maintenance of, &c.	45,785	0	0				127,297	0	0				91,325	0	0	9,813	0	0	81,512	0	0
Vagrants	16,807	0	0				28,723	0	0				15,435	0	0	3,519	0	0	11,916	0	0
Prosecutions	34,218	0	0				157,119	0	0				123,374	0	0	473	0	0	122,901	0	0
Lieutenancy and Militia	16,976	0	0				2,116	0	0				923	0	0	15,783	0	0			
Constables	659	0	0				26,688	0	0				26,037	0	0	8	0	0	26,029	0	0
Professional	8,990	0	0				31,103	0	0				23,129	0	0	1,016	0	0	22,113	0	0
Coroners	8,153	0	0				15,254	0	0				7,535	0	0	434	0	0	7,101	0	0
Salaries	16,315	0	0				51,401	0	0				38,008	0	0	2,922	0	0	35,086	0	0
Incidental	17,456	0	0				32,931	0	0				24,987	0	0	9,512	0	0	15,475	0	0
Miscellaneous, Printing, &c.	15,890	15	7½				59,061	14	10½				48,692	0	9¾	5,519	1	6¾	43,172	19	3
Totals	315,805	15	7½				783,441	14	10½				565,995	0	9¾	98,859	1	6¾	482,495	19	3

Table II. see next page.

Scotland.— No recent account has been prepared of the amount of county rates in Scotland; but they are but trifling compared with those levied in England.

* See Lords' Report of 1835 on County Rates, p. 321.

II. Account showing the Amount of Monies levied by Assessment for Poor's Rate and County Rate in each County in England and Wales, in the Year ending 25th of March, 1833, distinguishing the Amount levied on Land, Dwelling Houses, Mills, and Factories, and Manerial Profits, &c. — (*Papers published by Board of Trade*, vol. iii. p. 34.)

Counties.	Money levied on				Total Money levied by Assessment, 1832-3.
	Land.	Dwelling Houses.	Mills, Factories, &c.	Manerial Profits, Navigation, &c.	
	L. s. d.	L. s. d.	L. s. d.	L. s. d.	L. s. d.
England.					
Bedford	81,101 7 0	9,918 0 0	345 16 0	596 5 0	91,761 8 0
Berks	101,749 13 0	29,861 4 0	3,298 11 0	1,490 12 0	136,400 0 0
Buckingham	136,225 18 0	20,429 9 0	2,202 6 0	828 18 0	159,786 11 0
Cambridge	95,397 5 0	22,760 9 0	1,233 5 0	426 0 0	119,817 1 0
Chester	99,808 18 0	29,416 13 0	7,837 18 0	4,429 10 0	141,492 19 0
Cornwall	91,906 5 0	18,995 0 0	2,582 4 0	7,951 19 0	121,435 8 0
Cumberland	43,405 14 0	12,080 6 0	1,182 10 0	1,575 14 0	58,244 4 0
Derby	81,846 0 0	20,340 6 0	3,356 3 0	2,529 17 0	108,074 6 0
Devon	190,707 11 0	60,408 17 0	5,404 2 0	3,800 0 0	260,320 10 0
Dorset	85,991 0 0	18,961 10 0	1,520 10 0	2,022 14 0	108,495 14 0
Durham	64,467 10 0	22,950 5 0	7,508 10 0	9,781 10 0	104,707 15 0
Essex	251,571 18 0	52,157 2 0	6,859 2 0	1,373 16 0	311,961 18 0
Gloucester	130,525 11 0	66,651 17 0	8,527 11 0	2,036 14 0	207,741 13 0
Hereford	62,572 6 0	7,068 11 0	434 9 0	212 10 0	70,287 16 0
Hertford	79,473 19 0	26,124 12 0	3,215 5 0	1,121 3 0	111,934 19 0
Huntingdon	38,399 7 0	7,082 2 0	1,105 3 0	147 3 0	46,735 15 0
Kent	275,810 11 0	140,513 8 0	12,510 17 0	4,440 0 0	433,274 16 0
Lancaster	167,681 19 0	162,691 17 0	75,547 11 0	24,508 4 0	430,429 11 0
Leicester	108,330 3 0	29,551 7 0	783 2 0	638 14 0	139,303 6 0
Lincoln	188,927 8 0	30,760 18 0	3,355 9 0	1,961 16 0	225,005 11 0
Middlesex	69,833 13 0	823,248 15 0	57,352 2 0	8,290 9 0	968,724 19 0
Monmouth	27,806 4 0	6,998 3 0	1,030 2 0	1,989 15 0	37,824 4 0
Norfolk	281,879 0 0	63,011 13 0	8,842 19 0	4,242 10 0	358,006 2 0
Northampton	150,467 3 0	15,181 10 0	1,756 13 0	2,209 2 0	169,614 8 0
Northumberland	60,921 5 0	21,765 17 0	12,411 1 0	4,649 0 0	99,747 3 0
Nottingham	75,654 14 0	34,494 0 0	4,782 13 0	1,469 8 0	116,380 15 0
Oxford	128,375 9 0	26,964 0 0	1,462 5 0	1,848 9 0	158,650 3 0
Rutland	10,985 5 0	938 15 0	127 3 0	139 13 0	12,190 16 0
Salop	86,035 13 0	14,202 8 0	1,900 11 0	4,146 17 0	106,285 9 0
Somerset	169,354 8 0	44,936 7 0	2,868 19 0	6,333 4 0	223,492 18 0
Southampton	180,534 4 0	58,680 3 0	4,112 7 0	4,849 9 0	248,176 3 0
Stafford	100,439 7 0	48,804 9 0	11,739 14 0	14,607 14 0	175,591 4 0
Suffolk	247,643 13 0	45,522 13 0	5,868 11 0	1,082 2 0	300,016 19 0
Surrey	108,447 8 0	240,589 5 0	27,187 1 0	2,127 17 0	378,151 11 0
Sussex	239,843 3 0	67,095 5 0	4,593 18 0	8,220 10 0	319,752 16 0
Warwick	107,142 18 0	87,110 2 0	2,720 9 0	5,776 18 0	202,750 7 0
Westmoreland	23,312 17 0	5,995 17 0	692 0 0	169 3 0	29,269 17 0
Wilts	157,642 0 0	28,100 19 0	3,228 3 0	2,443 5 0	221,414 7 0
Worcester	76,075 16 0	26,243 12 0	5,083 4 0	3,418 0 0	110,820 12 0
York, East Riding	102,106 16 0	25,405 12 0	2,788 19 0	654 8 0	130,955 15 0
York, North Riding	90,418 10 0	10,527 10 0	1,246 13 0	714 3 0	102,906 16 0
York, West Riding	210,170 15 0	114,485 12 0	34,063 19 0	13,146 1 0	371,866 7 0
Totals of England	5,110,870 4 0	2,597,956 0 0	346,771 10 0	174,200 18 0	8,229,798 12 0
Wales.					
Anglesey	18,382 4 0	1,768 0 0	201 6 0	116 3 0	20,467 13 0
Brecon	20,785 0 0	1,902 0 0	488 1 0	434 18 0	23,609 19 0
Cardigan	21,454 19 0	1,649 10 0	84 18 0	53 4 0	23,242 11 0
Carmarthen	40,171 6 0	3,312 1 0	639 10 0	464 19 0	44,587 16 0
Carnarvon	21,596 17 0	3,620 17 0	154 14 0	347 19 0	25,720 7 0
Denbigh	39,183 15 0	4,553 4 0	367 19 0	583 6 0	44,668 4 0
Flint	25,250 1 0	2,176 0 0	941 15 0	823 5 0	29,191 9 0
Glamorgan	37,084 6 0	9,833 15 0	1,818 18 0	6,435 17 0	55,172 16 0
Merioneth	17,436 5 0	793 10 0	99 7 0	76 9 0	18,405 11 0
Montgomery	39,680 0 0	3,374 19 0	721 16 0	197 16 0	43,974 11 0
Pembroke	27,072 7 0	3,284 3 0	166 16 0	93 10 0	30,616 16 0
Radnor	15,943 3 0	1,033 12 0	23 0 0	45 17 0	17,045 12 0
Totals of Wales	324,020 3 0	37,301 11 0	5,708 0 0	9,673 3 0	376,702 17 0
Totals of England and Wales	5,434,890 7 0	2,635,257 11 0	352,479 10 0	183,874 1 0	8,606,501 9 0

Ireland. — Mr. Griffiths, the engineer, gave the following statement of the local taxation of Ireland in his evidence before the Lords' Committee of 1832, on tithe :—

Subdivision of the Sums raised annually by County Presentments.

Description.	Amount.
	L. s. d.
Proportion expended in building and repairing bridges, gullets, walls, cutting hills and filling hollows, and other expenditures on roads, levied off counties at large	83,045 17 6½
Proportion paid for county establishments, officers' salaries, county buildings, not connected with roads, and sundry charges; also levied off the county a large	331,414 11 3½
Proportion paid for police establishments, levied off the county at large	120,081 11 6½
Proportion repaid to the treasury, being instalments for government advances, levied off the county at large	32,738 14 9½
Proportion of assessments expended in making and repairing roads, levied off the baronies	273,434 13 11½

SECT. IV. *National Debt.*

THE practice of borrowing money, in order to defray part of the war expenditure, was introduced into this country in the reign of William III., and has ever since been acted upon. How much soever opinions may differ as to the policy of borrowing or funding in ordinary times, it could not, at its introduction into Great Britain, be dispensed with. The Revolution involved us in a bloody and expensive contest with Louis XIV., then in the zenith of his power, who espoused the cause of the exiled family of Stuart. But, though great and imminent, the danger from without was inferior to that from within. A numerous and powerful party were favourable to the views of the Pretender; and the imposition of such an additional load of taxes as would have been required to defray the heavy cost of the contest we were obliged to wage for our liberties and religion, would have given a violent shock to industry, and afforded the Jacobites the means of traducing the new government, of fomenting popular discontent, and, most probably, of overturning the revolutionary establishment. Under such circumstances, the contraction of debt was not really a matter of choice, but of necessity. The error, if there has been any, consisted in continuing the system of loans, after the new government was firmly established; and when either the whole or a larger portion of the war expenditure might have been defrayed by taxes raised within the year.

In the infancy of the funding system it was customary to borrow upon the security of some tax, or portion of a tax, set apart as a fund for discharging the principal and interest of the sum borrowed. This discharge was, however, very rarely effected. The public exigencies still continuing, the loans were, in most cases, either continued, or the taxes were again mortgaged for fresh ones. At length the practice of borrowing for a fixed period, or, as it is commonly termed, upon *terminable* annuities, was almost entirely abandoned, and most loans were made upon *interminable* annuities, or until such time as it might be convenient for government to pay off the principal.

In the beginning of the funding system, the term fund meant the taxes or funds appropriated to the discharge of the principal and interest of loans; those who held government securities, and sold them to others, selling, of course, a corresponding claim upon some fund. But after the debt began to grow large, and the practice of borrowing upon interminable annuities had been introduced, the meaning attached to the term fund was gradually changed; and instead of signifying the security upon which loans were advanced, it has, for a long time, signified the principal of the loans themselves.

Owing partly, perhaps, to the scarcity of disposable capital at the time, but far more to the supposed insecurity of the revolutionary establishment, the rate of interest paid by government in the early part of the funding system, was comparatively high. But as the country became richer, and the confidence of the public in the stability of government was increased, the rate of interest was proportionally reduced.

During the reigns of William III. and Anne, the interest stipulated for loans was very various. But in the reign of George II. a different practice was adopted. Instead of varying the interest upon the loan according to the state of the money market at the time, the rate of interest was generally fixed at *three* or *three and a half* per cent.; the necessary variation being made in the *principal funded.* Thus, suppose government were anxious to borrow, that they preferred borrowing in a 3 per cent. stock, and that they could not negotiate a loan for less than 4½ per cent., they effected their object by giving the lender, in return for every 100*l.* advanced, 150*l.* of 3*l.* per cent. stock; that is, they bound the country to pay him or his assignees 4*l.* 10*s.* a year in all time to come, or otherwise to extinguish the debt by a payment of 150*l.* In consequence of the prevalence of this practice, the principal of the debt now existing amounts to nearly *two fifths* more than the sum actually advanced by the lenders.

This system of funding has been in the last degree injurious, though some advantages are either derivable, or supposed to be derivable from it. No doubt it renders the management of the debt, and its transfer, more simple and commodious than it would be did it consist of a number of funds bearing different rates of interest; and it is contended that the greater field for speculation afforded to the dealers in stocks bearing a low rate of interest, has enabled government to borrow, by funding additional capitals, for a considerably less payment on account of interest than would have been necessary had such increase of capital not been made.

In point of fact, however, these advantages are but inconsiderable, while the disadvantages inseparable from the practice of funding a large amount of stock at a low rate of interest are great and signal. During war, especially if any considerable portion of its expenditure be defrayed by means of loans, the rate of interest uniformly rises, and is usually much higher than during peace. If therefore, loans were funded in stocks bearing a rate of interest equivalent to the market rate when they were contracted for, the charge on their account might be reduced soon after the return of peace, according to the fall in the rate of interest; whereas, when loans are funded in stocks bearing a low rate of interest, with a corresponding increase of capital, it becomes impossible to take advantage of the fall of interest at the return of peace, and the country is burthened with the war interest in all time to come! It is not easy to exaggerate the injury we have sustained by overlooking this plain principle. In 1815, to specify only one of many similar instances, government bargained for a loan of 27,000,000*l.*, it being stipulated that every subscriber of 100*l.* should be entitled to 174*l.*, 3 per cent. stock, and 10*l.*, 4 per cent. stock, making the interest paid on the loan 5*l.* 12*s.* 4*d.* per cent. The great improvidence of this transaction is obvious. Had from 5*l.* 15*s.* to 6*l.* per cent. of interest been paid for the loan, it might have been obtained without funding any additional capital: and had that been done, we should have been able, within two or three years, in consequence of the fall of interest after the peace, to reduce the charge on account of the loan to 3 or 3½ per cent.; but, owing to the way in which the contract was made, we have not had, and will not have, any means of reducing the

exorbitant charge on account of this loan, so long as the market rate of interest is above 3 per cent., except by paying 174*l.* for every 100*l.* originally received, exclusive of the 10*l.*, of 4 per cent. stock! But this, as already stated, is only one instance out of many of the same sort. We believe, indeed, that we are within the mark when we affirm that, owing to this erroneous method of funding, the country is at present paying from 6,000,000*l.* to 7,000,000*l.* a year on account of the public debt more than it would have had to pay, had the same sums been borrowed and funded without any increase of capital.

We have said that an interest of from 5*l.* 15*s.* to 6*l.* per cent., instead of the stipulated interest of 5*l.* 12*s.* 4*d.* per cent., would have enabled the loan of 1815 to be funded without any increase of capital. Now this is not a hypothetical statement. In the year in question, 11,000,000*l.* of exchequer bills were funded in a 5 per cent. stock, at the rate of 117*l.* stock for every 100*l.* exchequer bills. This was equivalent to an interest of 5*l.* 17*s.* per cent., being only 4*s.* 8*d.* more than the interest paid on the loan, though the subscribers to the latter had 84*l.* of artificial capital created for every 100*l.* advanced, and the holders of the bills, only 17*l.* of artificial capital! But, in point of fact, the differences in the rates of interest, after allowing for certain circumstances connected with the loans, amounted to only 2*s.* 2*d.* per cent.! This shows how little the saving in the charge on account of interest, by funding increased capitals, deserves to be considered as at all detracting from the great public loss occasioned by indulging in so wasteful a practice.*

That this improvident system should have been so extensively acted on by our finance ministers during the American and French wars is the more surprising, seeing that experience had already demonstrated the advantages of funding limited capitals at a comparatively high rate of interest. Owing partly to the scarcity of capital, but much more to the supposed instability of the revolutionary establishment, the loans during the reigns of William III. and Anne were mostly contracted at a very high rate of interest. Luckily, however, this was not attempted to be disguised by assigning to the parties large amounts of stock bearing a low rate of interest. The stock created was the exact amount of the loans, the interest on it being increased according to the supposed insecurity of the government, the scarcity of floating capital, &c. Now, mark the consequences of this. So early as 1716, Sir Robert Walpole, availing himself of the greater facility with which money was procured after the treaty of Utrecht, and of the greater stability of the government, was able, by offering to pay off the creditors, to reduce the charge on account of the debt from 1,598,602*l.* to 1,274,146*l.*, being a saving of 324,456*l.*, or about one fifth part of the entire charge. And in 1749, during the administration of Mr. Pelham, the interest was again reduced from 4 to 3 per cent.—a measure which produced a fresh saving of 565,000*l.* a year!

Happily the practice of funding in a 5 per cent. stock, was not

* For a further and full discussion of this subject, see the *Edinburgh Review*, No. 93. art. iii.

entirely abandoned during the late war. In 1822 the total British and Irish 5 per cent. stock amounted to about 150,000,000*l.*; and, by offering to pay it off, a reduction of interest was then effected to the extent of about 1,200,000*l.* a year! And, since that period, further savings have been effected by the reduction of the interest on the 4 and 4½ per cent. stock. But, unfortunately, the far greatest proportion of the debt created during the late war, and that with the American colonies, was funded in the 3 per cents.; and, as already stated, the charge on that portion has, in consequence, been hitherto, and will, most probably, continue to be, unsusceptible of diminution.

Payment of National Debt. — Sinking Fund. — The payment of the national debt can be effected only by applying to that purpose such surplus revenue as the treasury may have to dispose of. But it was contended by the founders of the sinking fund, established in 1716, and still more strongly by Dr. Price and Mr. Pitt, the founders of the sinking fund of 1786, that if a certain amount of revenue were applied to buy up stock, and the dividends on that stock were afterwards uniformly applied to the same object, the sinking fund would increase, at *compound interest*, so that the largest amount of debt might be defrayed almost without an effort. Dr. Price illustrated the operation of this principle by calculating the number of *globes of gold*, to which a penny laid out at compound interest at the birth of Jesus Christ would now amount to! But though a calculation of this sort be theoretically true, it is practically false and absurd. The truth is that no sinking fund, even though it consisted of a clear surplus revenue, ever really operates at compound interest. It is true that, by constantly applying the same amount of free revenue, and the dividends accruing on the purchases, to buy up stock, its reduction is effected in the *same way* as if the free surplus revenue were increasing, by an inherent energy of its own, at compound interest; but it is essential to know that, though the *modus operandi* be the same, the means are radically and totally different. The debt is reduced because a portion of the produce of the taxes is systematically applied to pay it off, and it can never be reduced by any other means. To make capital increase at compound interest, it must be employed in some sort of productive industry; and the profits, instead of being consumed as income, must be regularly added to the principal, to form a new capital. It is unnecessary to say that no such sinking fund has ever existed. Those that have been set on foot in this and other countries have all been supported either by loans or by the produce of taxes, and have never paid off a single farthing of debt by their own agency.

It is clear, from this statement, that when there is no surplus revenue, there can be no sinking fund. Dr. Price, however, did not scruple to lay it down broadly, that to suspend the sinking fund during war, though the expenditure might then greatly exceed the income, would be the greatest imaginable folly.* And, inconceivable as it may now appear, all parties in parliament concurred in the soundness of this opinion, and approved the policy of keeping up the sinking fund machinery during the whole of the last war! Hence, the loans for the

* Appeal to the Public on the Subject of the National Debt, p. 17. ed. 1774.

service of the year had to be increased by the entire amount of the sums placed at the disposal of the sinking fund commissioners; so that for every shilling's worth of stock transferred to them by this futile proceeding, an equal amount of *new debt* had to be contracted, exclusive of the loss incurred through the expense of management, &c.

For upwards of twenty years this pitiful juggle was kept up; parliament and the nation believing, notwithstanding the most decisive experience to the contrary, that it was rapidly diminishing the public debt! Dr. Hamilton, of Aberdeen, has the merit of having dissipated this delusion, the grossest, certainly, that ever imposed on any people. He showed, in his work on the national debt, published in 1813, that the sinking fund, instead of diminishing, had really added to the debt; and he proved to demonstration, that the *excess of revenue above expenditure* is the only sinking fund by which any part of the national debt can ever be discharged. "The increase of revenue," he observes, "or the diminution of expense, are the only means by which the sinking fund can be enlarged, and its operations rendered more effectual; and all schemes for discharging the national debt, by sinking funds operating at compound interest, or in any other manner, unless in so far as they are founded upon this principle, are completely illusory." We subjoin an account illustrative of the progress of the funding and sinking fund systems during the war:—

Account of Loans contracted in each Year from 1793 to 1816, both inclusive; of the total Charge on account of these Loans; of the Portions of them paid to the Commissioners of the Sinking Fund; and of the Amount of the Dividends on the Stock purchased by said Commissioners. (From the *Parliamentary Paper*, No. 145. Sess. 1822.)

Years ending 1st February.	Amount of Loans contracted in each Year.	Total Annual Charge of Dividends and Annuities on such Loans.	Account of the Portions of the Loans paid to the Commissioners of Sinking Fund.	Amount of the Dividends on the Stock furnished by the Commissioners.
	L. s. d.	L. s. d.	L. s. d.	L. s. d.
1794	4,500,000 0 0	187,500 0 0	1,630,615 1 4	65,232 3 0
1795	12,907,451 2 2	599,117 18 11½	1,872,200 4 2	84,148 7 0
1796	42,090,646 3 2	2,132,368 17 10	2,143,595 16 1	97,573 13 0
1797	42,756,196 2 0	2,274,425 4 8½	2,639,724 0 5	131,720 2 0
1798	14,620,000 0 0	935,579 0 0	3,361,752 11 3	201,484 11 9½
1799	18,000,000 0 0	1,105,602 10 0	3,984,252 13 2	235,743 5 4½
1800	12,500,000 0 0	656,250 0 0	4,288,208 15 0	216,640 2 9½
1801	18,500,000 0 0	871,350 0 0	4,620,479 1 7	219,450 1 2½
1802	34,410,450 0 0	1,775,530 10 4½	5,117,723 2 2	249,593 12 4½
1803	23,000,000 0 0	910,541 5 0	5,585,542 6 6	246,256 12 7
1804	10,000,000 0 0	512,083 6 8	6,018,179 8 0	315,817 5 9½
1805	11,526,699 6 3	654,631 12 3½	6,521,394 7 2	344,710 15 2½
1806	20,000,000 0 0	1,032,000 0 0	7,181,482 3 3	367,021 18 4½
1807	18,000,000 0 0	896,400 0 0	7,829,588 19 3	384,212 2 0
1808	12,200,000 0 0	577,060 0 0	8,908,673 17 3	425,142 4 2½
1809	12,000,000 0 0	587,743 13 6	9,555,853 9 1	435,757 14 4½
1810	19,532,100 0 0	947,812 4 3	10,170,104 15 9	453,923 2 7
1811	16,311,000 0 0	765,955 7 6	10,813,016 15 9	481,442 16 4½
1812	24,000,000 0 0	1,191,735 11 6½	11,543,881 3 7	544,417 7 0
1813	27,671,325 0 0	1,486,271 11 0	12,439,631 19 5	633,253 5 2½
1814	58,763,100 0 0	3,230,599 18 4½	14,181,006 5 4	723,626 0 2½
1815	18,500,000 0 0	851,832 18 0	12,748,231 12 3	574,490 10 4½
1816	45,135,589 3 6	2,577,820 2 9½	11,902,051 2 8	608,402 18 9½
1817	3,000,000 0 0	90,000 0 0	11,491,670 2 6	555,536 13 7
Total Sums raised on account of Ireland in Britain	520,124,556 17 1	26,849,814 12 9½	176,648,860 2 8	8,595,597 5 2½
	64,750,000 0 0	3,324,549 11 3	11,873,489 16 10	572,635 7 5
	584,874,556 17 1	30,174,364 4 5½	188,522,349 19 6	9,168,232 12 8
	188,522,349 19 6	9,168,232 12 8		
	396,352,087 17 7	21,006,131 11 9½		

Amount of loans, and of the interest payable on them, raised in Great Britain, to defray war expenditure in the period from 1793 to 1816, both inclusive. There was added, on account of the above sum of 396,352,000*l.* of money borrowed, 569,380,000*l.* to the funded debt of the country, being an increase of fictitious capital of 173,028,000*l.*!

Had, therefore, the sinking fund machinery not been kept on foot

during the war, instead of borrowing 585,000,000*l.*, it would not have been necessary to borrow more than about 396,000,000*l.*: and owing to the diminished amount of the loans, they would have been obtained at a lower rate of interest. Hence the sinking fund has been a costly, as well as a most delusive, piece of quackery. The loss it entailed on the country during the war has been estimated, apparently on reasonable grounds, at above 600,000*l.*

At length, the folly of contracting debt, for no other purpose but to pay it off, became obvious to every one; and the nominal amount of the sinking fund began to be diminished after the close of the war. In 1819, it was attempted to form a real sinking fund of 5,000,000*l.*; that is to maintain a real surplus revenue of that extent. But as this could not always be done, after various modifications, an end was put to the entiresy stem in 1829, the act 10 Geo. IV. c. 27. having enacted, that the sum applicable in future to the reduction of the national debt should be the surplus, if any, of the total revenue beyond the total expenditure of the kingdom.

Distribution of the Dividends, or Interest on the National Debt.—It appears from the subjoined account of the number of dividend warrants issued during the half-year ending the 5th of January 1833, that they amounted in all to about 280,000. The large number (87,176) of holders of stock not producing above 5*l.* of half-yearly dividend, is principally, we believe, ascribable to the circumstance of the Bank of England and the London banks not allowing interest on deposits.

We may observe, by the way, that the number of persons having a direct interest in the funds is much greater than it would appear to be from this account. The dividends upon the funded property belonging to the Bank of England and other banks, to the Equitable and other insurance companies, &c., are paid upon single warrants, as if they were due to so many private individuals; whereas they are really paid to these individuals only because they act as factors or trustees for a vast number more. It is, consequently, quite absurd to pretend, as is sometimes done, that any interference with funded property would affect only 280,000 individuals out of a population of 25,000,000. Any attack upon the dividends would really be destructive, not merely of the interests of those to whom dividend warrants are issued, but of all who depend upon them: it would destroy our whole system of banking and insurance, and overspread the country with bankruptcy and ruin. Not only, therefore, is every proposal for an invasion of the property of the fundholders bottomed on injustice and robbery, but it would, were it acted upon, be little less ruinous to the community than to the peculiar class intended to be plundered.

The unfunded debt on the 5th of January, 1817, amounted to 44,650,300*l.*, being 33,289,300*l.* greater than its amount on the 5th of January, 1793; and this sum has, of course, to be deducted from the *total* debt contracted during the French war, to get the amount of the *funded* debt contracted during that contest.

AN ACCOUNT of the State of the Public Funded and Unfunded Debt of Great Britain and Ireland, and the Charge thereupon, at the 5th of January, 1838.
(*Finance Accounts for* 1837, p. 101. &c.)

DEBT.

	Capital of Unredeemed Debt. £	s.	d.
GREAT BRITAIN.			
Debt due to the South Sea Company, at 3 per cent.	3,662,784	8	6½
Old South Sea annuities - - — -	3,497,870	2	7
New South Sea annuities - - — -	2,460,830	2	10
South Sea annuities, 1751 - - — -	523,100	0	0
Debt due to the Bank of England - — -	11,015,100	0	0
Bank annuities created in 1726 - — -	825,333	15	0
Consolidated annuities - - — -	357,708,657	0	7¼
Reduced annuities - - - — -	125,928,428	3	4
Total bearing interest at 3 per cent. -	505,622,103	12	10¾
Annuities at 3½ per cent, anno 1818 - - -	10,635,868	16	4
Reduced 3½ per cent. annuities - - -	66,228,350	1	11
New 3½ per cent. annuities - - -	145,944,491	6	8
4 per cent. annuities, created in 1826 - -			
New 5 per cent. annuities - - - -	427,088	13	4
Great Britain -	728,857,902	11	1¾
IRELAND.			
Irish consolidated annuities, at 3 per cent. -	3,099,786	17	3
Irish reduced annuities, do. - - -	118,963	4	9
3½ per cent. debentures and stock - - -	14,591,850	10	6
Reduced 3½ per cent. annuities - - -	1,008,576	17	3
New 3½ per cent. annuities - - - -	11,960,678	12	10
Debt due to the Bank of Ireland, at 4 per cent. -	1,615,384	12	4
New 5 per cent. annuities - - - -	6,661	1	0
Debt due to the Bank of Ireland, at 5 per cent. -	1,015,384	12	4
Ireland - -	33,417,286	8	3
Total United Kingdom -	762,275,188	19	4¾
Exchequer bills outstanding, 5th Jan. 1838 - -	30,031,253	10	5
Total funded and unfunded debt, 5th Jan. 1838	792,306,442	9	9¾

CHARGE.

	In Great Britain. £	s.	d.	In Ireland. £	s.	d.	Total Annual Charge. £	s.	d.
Due to the public creditor. Annual interest on unredeemed capital -	22,988,322	8	0¾	1,176,918	17	7¼			
Long annuities, expire 1860 - -	1,294,582	2	2						
Annuities per 4 Geo. 4. c. 22, do. 1867 -	585,740	0	0						
Annuities per 10 Geo. 3. c. 24, and 3 Will. 4. c. 14, expire at various periods - - - -	1,405,178	8	6						
Payable at the National Debt Office. Life annuities, per 48 Geo. 3. c. 142, and 10 Geo. 4. c. 24, and 3 Will. 4. c. 14. -	855,382	19	6						
Tontines and other Life annuities per various acts - English	20,105	3	3						
Tontines and other Life annuities per various acts - Irish -	34,230	8	7	6,823	7	3			
Interest of funded debt - - - - -	27,183,541	10	0¾	1,183,742	4	10¼			
Interest on stock transferred to the Commissioners for the Reduction of the National Debt, towards the redemption of land tax, per 53 Geo. 3. c. 123. -	14	17	7						
Management - - - - - - -	157,441	3	11¾						
Annual charge on account of public funded debt -	27,340,997	11	7½						
Interest on Exchequer bills (1837) - - -	936,687	18	10						
Total annual charge of funded and unfunded debt, exclusive of 41,116*l.* 14*s.* 10*d.*, the annual charge on capitals and long annuities, standing in the names of the commissioners, on account of stock unclaimed 10 years or upwards, and of unclaimed dividends; and also an account of donations and bequests -	28,277,685	10	5½	1,183,742	4	10¼	29,461,527	15	3¾

ACCOUNT of the Principal and Annual Charge of the Public Debt at different Periods since the Revolution. *

	Principal, Funded and Unfunded.	Interest and Management.
	L.	*L.*
Debt at the Revolution, in 1689	664,263	39,855
Excess of debt contracted during the reign of William III. above debt paid off	15,730,439	1,271,087
Debt at the accession of Queen Anne, in 1702	16,394,702	1,310,942
Debt contracted during Queen Anne's reign	37,750,661	2,040,416
Debt at the accession of George I., in 1714	54,145,363	3,351,358
Debt paid off during the reign of George I., above debt contracted	2,053,125	1,133,807
Debt at the accession of George II., in 1727	52,092,238	2,217,551
Debt contracted from the accession of George II. till the peace of Paris in 1763, three years after the accession of George III.	86,773,192	2,634,500
Debt in 1763	138,865,430	4,852,051
Paid during peace, from 1763 to 1775	10,281,795	380,480
Debt at the commencement of the American war, in 1775	128,583,635	4,471,571
Debt contracted during the American war	121,267,993	4,980,201
Debt at the conclusion of the American war, in 1784	249,851,628	9,451,772
Paid during peace, from 1784 to 1793	10,501,380	243,277
Debt at the commencement of the French war, in 1793	239,350,148	9,208,495
Debt contracted during the French war	601,500,343	22,829,679
Total funded and unfunded debt on the 1st of February, 1817, when the English and Irish exchequers were consolidated	840,850,491	32,038,291
Debt cancelled from the 1st of February, 1817, to 5th of January, 1838.	48,544,049	2,576,763
Debt, and charge thereon, 5th of January, 1838	792,306,442	29,461,528

AN ACCOUNT of the Total Number of Persons to whom a Half Year's Dividend was due at the last Half-yearly Payment thereof, on each Description of Public Stock, and on each Description of Terminable Annuities; distinguishing the Number respectively of those whose Dividends for the Half Year did not exceed *5l.*, *10l.*, *50l.*, *100l.*, *200l.*, *300l.*, *500l.*, *1,000l.*, *2,000l.*, *3,000l.*, *4,000l.*, *5,000l.*, and the Number of those whose Dividends exceed *5,000l.*; distinguishing also, in those above *1,000l.*, the Dividends due to any Public Company, or to more than a single Name. — (*Parl. Paper*, No. 202. Sess. 1833.)

	Not exceeding																
	5l.	*10l.*	*50l.*	*100l.*	*200l.*	*300l.*	*500l.*	*1,000l.*	*2,000l.*	Co. & Joint Accts. *3,000l.*	*3,000l.*	Co. & Joint Accts. *3,000l.*	*4,000l.*	Co. & Joint Accts. *4,000l.*	*5,000* and upwards.	Total.
Number to whom dividends were payable																
On *3l.* per cent. reduced annuities	10,347	4,745	11,681	3,473	2,175	742	453	231	53	24	9	5	5	3	12	33,958
On *3l. 10s.* per cent. reduced annuities	7,019	4,362	10,173	2,909	1,561	411	251	112	15	21	5	4	nil	1	5	26,849
On *3l. 10s.* per cent. annuities, 1818	† 198	162	399	211	127	57	38	30	3	3	nil	nil	nil	1	3	1,232
On *4l.* per cent. annuities, 1826	1,601	993	2,044	512	312	92	59	15	4	1	2	1	nil	nil	nil	5,636
On long annuities	9,078	4,212	8,361	1,516	725	187	99	34	4	1	1	1	1	1	nil	24,221
On annuities for terms of years	1,519	787	1,632	351	178	56	32	20	4	nil	2	nil	nil	nil	2	4,583
On *3l.* per cent. consolidated annuities	28,722	13,749	32,601	9,612	6,286	2,141	1,424	709	153	18	16	20	7	15	21	95,555
On *3l.* per cent. annuities, 1726	120	74	180	40	27	4	2	nil	nil	nil	nil	nil	nil	nil	nil	447
On new *3l. 10s.* per cent. annuities	‡ 26,881	14,698	29,370	6,648	3,129	765	431	204	28	20	4	1	2	4	9	82,194
On new *5l.* per cent. annuities	35	31	107	36	20	3	4	nil	1	nil	nil	nil	nil	nil	nil	237
On annuities for terms of years	1,656	833	1,757	333	161	37	34	12	1	nil	1	3	nil	1	8	4,839
Totals	87,176	44,648	98,305	25,641	14,701	4,495	2,827	1,367	266	151	40	35	15	24	60	279,571

* This account has been made up partly from the table in Dr. Hamilton's work on the National Debt (3rd ed. p. 100.); partly from the *Parl. Paper*, No. 165. Sess. 1834; and partly from the *Annual Finance Book* for the year ending 5th of January, 1838, pages 14., 101., &c.

† Dividends payable 10th of October. ‡ Dividends payable on 5th of January.

The reduction of the principal of the public debt since 1817 has been effected partly by applying surplus revenue to its discharge, and partly by the conversion of a portion of the interminable into terminable annuities. The reduction of the annual charge has been partly, of course, brought about by paying off the principal; but more by the reduction of the interest paid on the 5 and 4 per cent. stock existing in 1817, and by that paid on the unfunded debt, or on exchequer bills. The total saving on the first head, between 1822, when the first, and 1834, when the last, reduction was made, has been 2,355,845*l.* The debt given above for the 5th of January, 1836, includes the loan of 15,000,000*l.* negotiated in 1835, on account of the West India slave proprietors.

CHAPTER III. — Defence.

Sect. I. *Army, Militia, &c.*

The force kept up for the defence of the empire against foreign attack, and for the maintenance of tranquillity and security at home, consists principally of the army and navy.

Army. — The military force of Great Britain, like that of all the surrounding states, has differed widely at different epochs. During the period posterior to the Conquest, when the feudal system was in its vigour, the whole lands of the kingdom were distributed into what were called *knights' fees*, of which there were above 60,000 in England only. And every tenant *in capite*, or person holding any such fee, was bound to hold himself in readiness, if called upon, to attend the sovereign in his wars, either at home or abroad, for *forty* days each year. Persons unable or unwilling to serve, were obliged to provide unexceptionable substitutes, so that a force of about 60,000 men could thus be set on foot with but little or no cost to the Crown. When the forty days' service were accomplished, the feudal militia were entitled to return home; those that kept the field for a longer period being paid by the sovereign for their services. But in those days, when there were few fortified places, and war was not carried on upon any scientific principles, the predatory and marauding campaigns of which it mostly consisted did not often extend beyond forty days. — (*Blackstone*, i. p. 410. ed. 1775, &c.)

But though a militia of this sort answered tolerably well in a rude age for the defence of the country, it was speedily found to be very ill fitted for carrying on the foreign wars in which our princes of the House of Plantagenet were so often involved. Hence, the system of commuting military service abroad for a money payment, or *scutage*, as it was then termed, on knights' fees, was early introduced*; and as

* The first instance of this sort of commutation is said to have occurred in the reign of Henry II. That prince, instead of requiring his vassals to accompany him

its advantages became more obvious, it was gradually substituted for military service at home. At length money payments having almost universally replaced feudal services, the latter were finally abolished by the 12 Charles II. c. 24.

Exclusive, however, of the feudal militia or constitutional force of the kingdom, our sovereigns always maintained bodies of stipendiary or mercenary troops in England, as well as in the Norman provinces. The expense was defrayed, for the most part, from the revenues and vast estates that then belonged to the Crown; but partly, also, by money obtained in commutation of feudal services, and sometimes, at a later period, by parliamentary grants. With the exception of those employed as guards in the Tower of London, Dover Castle, and other fortified places, and for protecting the marches, or borders of the kingdom along the Scotch frontier, the stipendiary troops were disbanded as soon as the occasion for their services had expired. They were a mercenary, but not a standing, army.

During the civil wars in the reign of Charles I., the royal army chiefly consisted of regiments raised by the nobility and gentry who espoused the cause of the king from among their tenants and dependants. The parliamentary forces consisted principally of stipendiary troops recruited in the great towns, which were, for the most part, hostile to the royal cause. Both parties, however, had recourse to every expedient for increasing their forces, whether it were consistent with law or not.

The origin of the present standing army dates as far back as 1660, or, perhaps, earlier. In that year Charles II. formed two regiments of guards, one of horse and one of foot, consisting principally of troops that had been previously embodied; and these, with the regiment of Royal Scotch, brought from France in 1661, and some other regiments that were soon after set on foot, formed in all a force of about 5,000 men, including the troops in garrison abroad. In the latter part of the reign of James II. this force was increased, including the troops in Ireland, to about 30,000 men: but parliament did not sanction the enrolment of these forces, nor did it vote the money required for their pay and subsistence. They were embodied by authority of the Crown only, and were paid for either from the civil list, or by diverting money intended for other objects to that purpose.* The principal dependence of James II. for the success of his unconstitutional projects, was placed in the devotedness of this great army. But his conduct disgusted the military as well as the rest of his subjects; and the cheers of the troops encamped on Hounslow-Heath at the acquittal

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in his war with the Earl of Thoulouse in 1159, imposed on them a scutage or tax which produced 180,000*l.* money of the time, being equal to 2,700,000*l.* of our money. By this means he consulted the prejudices of such of his English subjects as wished to remain at home, and procured the means of furnishing himself with a much more efficient army. (See *Lyttleton's History of Henry II.*, 8vo. ed. vol. ii. p. 428., and the elaborate note on the same subject in the Appendix.)

* The first parliament of Charles II. voted 1,200,000*l.*, as the ordinary revenue of the Crown; but in the latter years of his reign it amounted to more. In the reign of James II. the revenue amounted to near 2,000,000*l.* (*Hallam's Constitutional History*, iii. p. 156.)

of the bishops proved that he had entirely lost their sympathy, and could no longer trust to them for support. In fact, no sooner had the Prince of Orange landed, than they went over to him almost to a man.

The danger arising from so unconstitutional a prerogative was, however, too great not to be immediately provided against; and it was consequently declared, in the Bill of Rights, that the raising or keeping a standing army within the kingdom in time of peace, unless with consent of parliament, is contrary to law. And from this epoch down to the present day, the army has been kept on foot under authority of an act, annually renewed, called "*An act for punishing mutiny and desertion; and for the better payment of the army and their quarters.*" This act specifies the number of men to be kept on foot; the conditions under which they are enlisted, paid, billeted, &c.; and lays down a system of martial law for their government. His Majesty is authorised to issue articles of war in conformity with this act. These are usually printed with, and subjoined to, the Mutiny Act, and to them the reader is referred for further particulars.

Government of the Army. — The king is the supreme head, or generalissimo, of all the British forces by land and sea. He cannot, as already stated, raise or maintain forces without the authority of parliament; but in all that respects the distribution, officering, and organisation of the forces granted by parliament, he is supreme. He has, also, the sole government and disposal of all forts, arsenals, and fortified places. The military can receive no orders but such as emanate from the king; and these they are bound implicitly to obey, unless they be obviously at variance with the recognised laws of the land.

All measures with respect to the employment of the military force are, of course, decided upon by his Majesty in council; and ministers are equally responsible for them as for any other act of government.

The command of the army under the king is committed to a commander-in-chief, enjoying the confidence of the ministry of the day. It is the duty of this officer to provide for the execution of such measures as may be determined upon by his Majesty in council in relation to the army, and to exercise a vigilant superintendence over all its concerns, so as to maintain it, at all times, in the highest state of efficiency and discipline.

The commander-in-chief is assisted in the discharge of his multifarious and important duties by several subordinate officers, who are each at the head of a peculiar department; such as the adjutant-general and the quarter-master general.

The adjutant-general has the superintendence of all matters relating to what may be called the *personnel* of the army. He is the channel through which all officers communicate with the commander-in-chief; and all orders, instructions, and regulations with respect to the recruiting, organisation, discipline, &c. of the army, come within his province. He has also the superintendence of all matters with respect to the inspection of clothing and accoutrements, the employment of officers of the staff, the granting of leaves of absence, &c.

The functions of the quarter-master-general are chiefly called into operation during war. His duty is to prescribe routes and marches; to regulate the embarkation and disembarkation of troops; to provide them with quarters; to mark out the ground for encampments; to prepare and arrange plans for the defence of a country, &c. Much of the success of an army in the field depends on the way in which the duties of the quarter-master-general's department are performed. The admirable manner in which they were executed in Spain, under the superintendence of Sir George Murray, has been universally acknowledged.

There used formerly to be a barrack-master-general and a commissary-general; but, at present (1838), the duties of the former of these officers are performed by the Board of Ordnance, and those of the latter by the Treasury.

The affairs of the artillery and engineers are superintended by a separate board under the master-general of the Ordnance, who has the military command of the artillery, and of the corps of royal engineers and sappers and miners. Exclusive of the barrack department, the provision of forage for the whole of the troops at home is under the Ordnance, as is the superintendence of fortifications and military works at home and abroad. The Ordnance also provide the troops of the line, and the militia and volunteers, with guns, ammunition, and arms of all sorts; and they further perform this office for the navy.

The functions of the paymaster-general are strictly ministerial; his business being merely to make payments without exercising any discretion, in pursuance of warrants directed to him by the secretary-at-war and the Treasury, or both. A regimental paymaster is attached to each regiment.

The secretary-at-war is, as it were, the civil officer of the army, being the channel of communication between it and the government. He is bound to give effect to the orders of the commander-in-chief, unless they appear to be contrary to the existing rules of the service, or to occasion an excess of expenditure, in which cases he is to refer to the Treasury for instructions, and to abide by them. It is his duty to prepare the army estimates, and to submit them to parliament. He is not necessarily a member of the Cabinet, though sometimes he has a seat in it.

Organisation of the Army. — The British army is divided into cavalry, infantry, and artillery, and these again into regiments and battalions. The three regiments of horse guards consist at present each of 32 officers, 53 non-commissioned officers, 351 privates, and 274 horses. The ordinary cavalry regiments have each, at an average, 27 commissioned officers, 31 non-commissioned officers, 304 privates, and 283 horses. The grenadier regiment of foot guards, consisting of three battalions, has 96 officers, 177 non-commissioned officers, and 2,080 privates. The other two regiments of foot guards consist also of two battalions each, and have each 1,280 privates, but only 61 officers, and 109 non-commissioned officers. The ordinary infantry regiments consist of one battalion, having each 39 officers, 37 non-commissioned officers, and 739 privates. The royal regiment of

artillery consists of nine battalions, having 449 officers, and 6,062 non-commissioned officers and men, exclusive of the horse brigade, and the engineers, sappers and miners.

The officers or staff of an ordinary cavalry regiment, having 304 privates, and divided into six troops, are as follows, viz., 1 colonel, 1 lieutenant-colonel, 1 major, 6 captains, 6 lieutenants, 6 cornets, 1 paymaster, 1 adjutant, 1 quarter-master, 1 surgeon, 1 assistant-surgeon, and 1 veterinary surgeon — in all, 27. The officers or staff of an ordinary infantry regiment, consisting of one battalion of 739 men rank and file, consist of 1 lieutenant-colonel, 2 majors, 10 captains, 12 lieutenants, 8 ensigns, 1 paymaster, 1 adjutant, 1 quarter-master, and 1 surgeon, with 2 assistants — in all 39. When additional battalions are raised, each has a separate staff. The colonelcy of a regiment is in a great measure a sinecure.

Appointment of Officers. — Officers may either purchase their appointment originally, and each succeeding step of promotion according to the rules of the service, or they may be appointed in the first instance, and subsequently promoted without purchase, by the commander-in-chief; but officers in the artillery and engineers are promoted by a ministry only. They are all commissioned by the king. Very few officers in the British army have risen from the ranks; and, in this respect, as well as in several others, it differs materially from the army of France, and of some of the other continental states. It has been questioned whether it be as superior to them in this particular as it certainly is in several others. But there is really very little room for doubt on the subject. The arrangement in question powerfully contributes to maintain the discipline of the army; to hinder it from being influenced by popular feelings or prejudices; and to make it (in which its chief excellence consists) a willing as well as an efficient instrument in the hands of the executive. The Duke of Wellington has successfully obviated some of the more common objections to the present practice.* (*See Table, next page.*)

Enlistment. — Formerly it was customary to enlist soldiers by what is called *indenture.* In other words, certain individuals bound themselves by indenture to provide a given number of able-bodied men to serve his Majesty for some specified time, at certain capitulated rates of pay and bounty, then called wages or regards. It was usual for the King to advance beforehand a portion of such pay or bounty, which was called "impressment money," and to give security for the regular payment of the remainder. But this system has been long abandoned, and the business of enlisting or recruiting for the army has been carried on, since the Revolution, by military officers appointed for that purpose.

Soldiers used to be enlisted either for a limited or an unlimited number of years, or, which is the same thing, till they be discharged. The limited periods for which a person might enlist were fixed at 7 years for the infantry, 10 years for the cavalry, and 12 years for the artillery, provided the party enlisting were of the age of 18 years or

* See the able and well considered evidence given by his Grace before the Commissioners on Military Punishments.

Prices of Commissions.

RANK.	Full price of Commissions.		Difference in value between the several Commissions in succession.		Difference in value between Full and Half-pay.		
	£	s.	£	s.	£	s.	d.
Life Guards.							
Lieutenant-Colonel - -	7,250	0	1,900	0			
Major - - -	5,350	0	1,850	0			
Captain - - -	3,500	0	1,715	0			
Lieutenant - - -	1,785	0	525	0			
Cornet - - -	1,260	0					
Royal Regiment of Horse Guards.							
Lieutenant-Colonel - -	7,250	0	1,900	0			
Major - - -	5,350	0	1,850	0			
Captain - - -	3,500	0	1,900	0			
Lieutenant - - -	1,600	0	400	0			
Cornet - - -	1,200	0					
Dragoon Guards and Dragoons.							
Lieutenant-Colonel - -	6,175	0	1,600	0	1,533	0	0
Major - - -	4,575	0	1,350	0	1,352	0	0
Captain - - -	3,225	0	2,035	0	1,034	3	4
Lieutenant - -	1,190	0	350	0	632	13	4
Cornet - - -	840	0			300	0	0
Foot Guards.							
Lieutenant-Colonel - -	9,000	0	700	0			
Major, with Rank of Colonel -	8,300	0	3,500	0			
Captain, with Rank of Lieut-Col.	4,800	0	2,750	0			
Lieutenant, with Rank of Captain	2,050	0	850	0			
Ensign, with Rank of Lieutenant -	1,200	0					
Regiments of the Line.							
Lieutenant-Colonel - -	4,500	0	1,300	0	1,314	0	0
Major - - -	3,200	0	1,400	0	949	0	0
Captain - - -	1,800	0	1,100	0	511	0	0
Lieutenant - - -	700	0	250	0	365	0	0
Ensign - - -	450	0			150	0	0
Fusiliers and Rifle Corps, having 1st and 2d Lieutenants.							
1st Lieutenant - -	700	0	200	0	365	0	0
2d Lieutenant - -	500	0			200	0	0

upwards; but, if under 18, then the difference between his age and 18 were to be added to the above periods of 7, or 10, or 12 years, as the case might be. A person when enlisted is to be brought, not sooner than one, nor later than four days, before a justice of the peace, who is directed to put to him certain questions contained in the schedules of the Mutiny Act; and, to give persons time to reflect on what they have done, and to prevent hasty or incautious enlistment, it is provided that, if any recruit brought before a justice, or who, not being brought, goes voluntarily before one (as he is authorised to do), and declares his dissent from the enlistment, he is to be released therefrom, and discharged on his paying a fine of twenty shillings, together with the enlisting money and other expenses incurred on his account.

Napoleon laid it down as a fundamental principle, "*que la conscription est le mode de recrutement le plus juste, le plus doux, le plus*

avantageux au peuple;" and the armies of France, Prussia, and most continental nations, continue to be recruited on this principle. Nor have those been wanting who have recommended its introduction into this country, or, at least, an extension to the army of the principle on which the militia is recruited. The plan of recruiting by voluntary enlistment is, however, the only one consistent with the free principles of the British constitution; and, notwithstanding the high authority on the other side, it is intrinsically the best. We do not mean to deny that the system of conscription, provided it be made equal and impartial, has some considerable advantages; but they are certainly very much overbalanced by the disadvantages inseparable from it. Among the individuals subject to a conscription, there is the greatest possible discrepancy of tastes and tempers, some preferring the military profession to any one else, while to others it is an abhorrence. The system of voluntary enlistment avails itself of these differences. Far from offering violence to any one, it gratifies all, by enabling those who choose to become soldiers, and those who prefer other pursuits to prosecute them without let or hindrance. The conscription, on the other hand, introduces a system of fatalism, where there should be choice and discrimination; the chances being equal that the lots will fall upon the individuals most disinclined to enter the army. Who would think of forcing people, against their inclinations, to become miners, shoemakers, or weavers? and why should the state attempt to enforce a system productive of still greater hardship and injustice? If soldiers could not be procured by other means, we should readily admit that necessity formed a valid excuse for the introduction of a conscription: but such is very far indeed from being the case. Men in abundance may always be found, without any compulsory process, and with very moderate encouragement, ready to undertake any employment, how disagreeable or hazardous soever. The free and adventurous life of a soldier has, however, many powerful attractions. Even during war, the dangers and privations of campaigns are underrated, and the chances of advancement proportionally exaggerated in the heated imaginations of the young and the inconsiderate; and, unless his pay and other advantages be very decidedly below what the state of society requires, a moderately populous country has never the least difficulty about obtaining any number of troops by voluntary enlistment. During the latter years of the war, when the prices of almost every thing sustained an extraordinary advance, the pay of the troops continued stationary, and was not, consequently, so good as it ought to have been, or as it has since become, now that the prices of most articles have been materially reduced; though we continue of opinion that it might and ought still to be raised. The custom of allowing criminals to enlist into the army has also had a tendency to degrade the service, and to generate a prejudice against it; and of late years many have supposed that a similar effect was produced by the popular odium attached to the punishment of flogging; but we doubt whether this latter circumstance has had any perceptible influence. Punishment is not wantonly inflicted; and never, indeed, without the party punished having committed some very grave

offence, such as stealing, being drunk on duty, insulting officers, &c. And there are very few so conscious of their own demerit as to suppose, when they are about entering the army, that they will ever commit any such offences, or that, consequently, they will ever be made amenable to punishment. We do not, therefore, attach any weight to this statement; and the enlisting of criminals into the army is now nearly put an end to. Provided the soldier be sufficiently paid, that merit and long service be sufficiently rewarded, and crime and bad conduct be repressed by prompt and suitable punishment, there is nothing in the army to render it unpopular; and we may depend upon it that, under the conditions supposed, no difficulty will ever be found of obtaining ample supplies of the best men for the public service. Conscription is, in fact, as unnecessary as it is cruel and revolting. If we be ever driven to this arbitrary and oppressive expedient, the necessity will have arisen from the adoption of some spurious system of economy, or from something improper in the treatment of the troops, or both.

The plan of enlisting for limited periods began in 1806, and was justly regarded as a very great improvement. Many men, who would not adventure upon enlistment for life, might, notwithstanding, be disposed to enlist for the term of seven years, thinking that, if the service turned out to be less agreeable than they expected, they would be able to leave it. But the chances are that, though they do not relish it much at first, by the time they have been seven years in the army they will have become so habituated to it, as to have no wish to leave it. We regret, however, to have to state, that though introduced, this mode of recruiting has been abandoned on account of the number of men who left the army with pensions, and the consequent heavy expense entailed on the country. This, however, does not show that the plan for enlisting for limited periods is bad; but only that the inducements to continue in the army were not so powerful as they should be. Consequently the proper plan would have been, not to put an end to the system of enlisting for limited periods, but to increase the motives to remain in the army, by making some considerable addition to the pay of the troops, and also perhaps, though that is more doubtful, by taking away the right to receive pensions except under peculiar circumstances. The army cannot be on the footing on which the public interests require that it should be placed, if the troops have any good grounds for envying the condition of any of the great classes of ordinary labourers.

Number of Troops.— Owing to the jealousy with which a standing army was long regarded, and the heavy cost of its maintenance, it has always been confined, at least in periods of peace, within pretty narrow limits. In the reign of William III., during the short interval between the treaty of Ryswick and the war of the Spanish succession, the standing army was reduced, in opposition to the most obvious considerations of expediency, and despite the efforts of the King, to so few as 7,000 men. And William, who had been the instrument, under Providence, of establishing a free government in these realms, and of preserving the balance of power in Europe, was obliged to submit to the mortification, which he felt most acutely, of dismissing his favourite

regiments of Dutch guards and French refugees. (*Hallam*, iii. p. 190.) During the lengthened administration of Sir Robert Walpole, the standing army generally amounted to about 17,000 men, exclusive of the troops in Ireland, but inclusive of those in Gibraltar and Minorca. After the peace of Paris in 1763, the peace establishment was fixed, including the troops in garrisons abroad and in Ireland, at about 40,000 men. In the course of the American war, both the army and navy were very much augmented; but, at the conclusion of that unfortunate contest they were again reduced to what might be considered, under the altered circumstances of the world, as something like their old level. All previous contests and armaments were, however, thrown into the shade, and made to appear insignificant, by the vast efforts that signalised the war with France, that broke out in 1793, and was only terminated in 1815. During the latter years of that momentous contest, which was truly a struggle *pro aris et focis*, we had, including volunteers, yeomanry, militia, &c., a land force embodied of not less than 450,000 men! Happily, our exertions and sacrifices were crowned with success; and not only provided for our own security, but were mainly instrumental in enabling continental Europe to emancipate itself from the military despotism by which it had for a while been crushed. We subjoin an account, taken from official documents, of the regular troops, exclusive of the ordnance, at home, in the colonies, and in foreign countries, in 1792, 1815, and 1834; and of the expense incurred on their account.

At Home and in the Colonies.	1792.	1815.	1834.
Household Cavalry	779	1,504	1,311
Foot Guards	3,766	9,612	5,253
Cavalry of the Line	5,409	16,477	7,002
Infantry of the Line	36,598	138,701	69,360
Garrison Battalions	-	1,823	
Veteran Battalions	-	2,922	
West India Regiments	-	8,798	1,863
Miscellaneous and Colonial Corps	-	7,147	3,727
Fencibles	-	3,268	
Foreign Corps	-	21,314	
Augmentations in progress	-	9,148	
	46,552	220,714	88,516
In India:			
Cavalry of the Line	512	5,555	3,156
Infantry of the Line	10,188	24,045	17,000
Totals	57,252	250,314	108,672

In 1792 the numbers above stated were in a course of reduction.

The sums voted upon the British estimates were,—

	£	s.	d.
For Great Britain	560,205	12	0
For the Colonies	319,488	3	0
Difference between British and Irish pay of regiments lent by Ireland	7,153	17	3
Recruiting, bread, money, and returned poundage	98,037	15	0
	£ 984,885	7	3
The charge of the army in Ireland has not been correctly ascertained, but it is believed to have been about	601,000	0	0
	£ 1,585,885	7	3

The sums voted upon the army estimates for 1815, which included the Irish charge, were, —

	£	s.	d.
For the land forces - - - -	6,721,880	7	5
For augmentations - - - -	384,260	1	11
For foreign corps - - - -	833,715	1	0
	£ 7,939,855	13	4

The amount granted for the charge of the land forces for the twelve months ended 31st March, 1835, was - - £ 3,357,192 10 5

These estimates are all exclusive of the charge for *non-effective* services, or for half-pay pensions, &c., and of the expense defrayed by the East India Company. The total sum voted on account of the military forces, exclusive of the ordnance, for the year 1834-35, was 5,944,928*l.* 10*s.* 5*d.*

Ordnance. — The above estimates are, also, as already stated, exclusive of the artillery and other descriptions of force under the orders of the ordnance department. There were voted, on the ordnance estimates for 1836-37, 73 master-gunners, 242 royal engineers, 3 officers, and 733 men as sappers and miners; 449 officers and 6,062 men in the royal regiment of artillery; 4 officers and 80 cadets in the company of gentlemen cadets; and 49 officers and 590 men in the royal horse artillery; making in all 827 officers and gentlemen, and 7,458 men. The total sum voted on account of the ordnance estimates for the year 1835-36 was 1,296,059*l.*; making the total expense of the army for that year 7,203,541*l.*

On p. 440. is an account of the army estimates for 1836-37, exhibiting in detail the number of each description of force, and the separate items of expenditure.

Pay of Troops. — The pay, and other emoluments of the officers and men in the army, depend partly on the department of the service to which they belong, and partly on the length of time during which they have been in service. The pay of what are called the household troops, consisting of the two regiments of Life Guards, and the royal regiment of Horse Guards, or Oxford Blues, is higher than that of any other description of force. In this corps the pay of a private varies from 1*s.* 9¼*d.* to 2*s.* 0¼*d.* a day; the pay of a private in the cavalry of the line being 1*s.* 4*d.*; in the foot guards, 1*s.* 2*d.*; and in the infantry of the line, 1*s.* 1*d.* a day: the statutory allowance of 1*d.* a day as beer money, payable to all non-commissioned officers and men in Great Britain and Ireland, being uniformly included. Soldiers, however, are not entitled to receive the whole of this pay in money. When at home in barracks, or in stationary quarters, they are supplied with bread and meat, at the rate of three quarters of a pound of meat and one pound of bread a day for each man; for which 6*d.* a day, and not more, is to be deducted from their pay. The principal part of a soldier's clothes and accoutrements are furnished at the public expense. The pay of all privates serving in the cavalry is, however, liable to a deduction of 2*s.* 7½*d.* a week on account of such articles; and a deduction of 1*s.* 1*d.* a week is made from the pay of privates in the foot guards, and of 1*s.* 6*d.* a week from the pay of all other privates serving in the infantry, on the same account.

Estimates of the Charge of the Effective and Non-effective Army Services for 365 Days, from 1st of April, 1836, to 31st of March, 1837.

I. ESTIMATES OF EFFECTIVE SERVICES.

	Horses.	Officers.	Non-commissioned Officers, Trumpeters, &c.	Rank and File.	All Ranks.	Pay and Daily Allowances.	Annual Allowances to Field Officers, &c., and for Farriery.	Agency.	Clothing.	Totals for the Service of the Year.
						L. s. d.	L. s. d.	L. s. d.	L. s. d.	L. s. d.
1. Of the charge of the Land Forces for service at home and abroad										
Life Guards and Horse Guards	822	99	159	1,053	1,311	70,367 14 6	5,484 18 6	858 12 2	10,391 4 4	87,102 9 6
Cavalry of the Line	7,696	712	866	8,578	10,156	400,350 13 9	19,852 14 6	5,223 17 0	40,945 4 0	466,372 9 3
Foot Guards	- -	218	395	4,640	5,253	149,858 2 10	20,737 7 6	1,535 19 7	19,948 0 0	192,079 9 11
Infantry of the Line	200	4,610	6,338	81,407	92,355	2,481,189 3 5	39,516 5 10	24,857 10 1	235,502 9 11	2,781,365 9 3
	8,718	5,639	7,758	95,678	109,075	3,102,065 14 6	85,591 6 4	32,475 18 10	306,786 18 3	3,526,919 17 11
Deduct a proportion of the charge for the pay and clothing of the men wanting to complete the establishment of the Cavalry, Foot Guards, and Infantry	- -	- -	- -	8,036	8,036	161,000 0 0	- -	- -	20,000 0 0	181,000 0 0
	8,718	5,639	7,758	87,642	101,039	2,941,065 14 6	85,591 6 4	32,475 18 10	286,786 18 3	3,345,919 17 11
Deduct also estimated short issues for men in confinement, &c.	- -	- -	- -	- -	- -	15,500 0 0	- -	- -	- -	15,500 0 0
Number and charge of the Land Forces for service at home and abroad	8,718	5,639	7,758	87,642	101,039	2,925,565 14 6	85,591 6 4	32,475 18 10	286,786 18 3	3,330,419 17 11
Which may be distinguished as applicable										
To the United Kingdom and Foreign Stations	5,914	4,523	6,442	70,354	81,319	2,316,640 4 9	72,192 18 8	26,058 13 7	228,428 10 7	2,643,320 7 7
To the East Indies	2,804	1,116	1,316	17,288	19,720	608,925 9 9	13,398 7 8	6,417 5 3	58,358 7 8	687,099 10 4
	8,718	5,639	7,758	87,642	101,039	2,925,565 14 6	85,591 6 4	32,475 18 10	286,786 18 3	3,330,419 17 11

WHEREOF AS ABOVE.

	Charge for the Land Forces, exclusive of India.	Charge to be defrayed by the East India Company.	Totals.
	L. s. d.	L. s. d.	L. s. d.
	2,643,320 7 7	687,099 10 4	3,330,419 17 11
To which add			
1. Miscellaneous charges	274,000 0 0	- -	274,000 0 0
2. Contingencies	102,688 0 8	1,000 0 0	103,688 0 8
3. For depôts at Chatham, Maidstone, establishment at Portsmouth, and depôts of regiment in the East Indies	4,093 17 6	3,033 12 1	7,127 9 7
4. Recruiting charges	77,955 0 11	- -	77,955 0 11
5. Pay of military labourers and pioneers in West Indies, &c., transferred from the army extraordinaries	7,500 0 0	- -	7,500 0 0
Total charge of the Land Forces, 1836-37.	3,109,557 6 8	691,133 2 5	3,800,690 9 1

	Pay.	Contingencies.	Totals.	Grand Totals.
	L. s. d.	L. s. d.	L. s. d.	L. s. d.
2. Of the charge of general staff officers and officers of the hospitals serving with the forces at home and abroad, and of the garrison of the Tower of London, viz: —				
1. General and medical staff at home	31,289 9 3	21,800 0 0	53,089 9 3	
2. General and medical staff abroad	38,784 5 10	51,500 0 0	90,284 5 10	
Together	70,073 15 1	73,300 0 0	143,373 15 1	
Additional pay of chaplains and medical officers at home and abroad, and allowances to principal medical officers on certain foreign stations	7,327 7 6	- -	7,327 7 6	
	77,401 2 7	73,300 0 0	150,701 2 7	
Deduct amount of deductions to which infantry officers on full pay, who hold staff appointments, are liable	921 12 6	- -	921 12 6	
Remains	76,479 10 1	73,300 0 0	149,779 10 1	
3. Garrison of the Tower of London	3,904 18 4	- -	3,904 18 4	
Total charge for staff and Tower of London, 1836-37	80,384 8 5	73,300 0 0	153,684 8 5	153,684 8 5
3. Of the charge of the allowances to the principal officers of the public departments under mentioned, their deputies, clerks, and contingent expenses, viz: —				
General commanding in chief and his personal staff, including their allowances for forage and travelling expenses, secretaries, assistants, clerks, &c.			12,833 10 0	
Secretary-at-war, his deputy, clerks, &c.			27,003 16 6	
Adjutant-general, his deputy, &c.			7,156 11 0	
Quarter-master-general, his deputy, clerks, &c.			6,276 13 6	
Judge-advocate-general, his deputies, clerks, &c.			4,362 14 0	
Charge for public departments			- -	58,233 5 0
4. Of the charge of the Royal Military College			- -	17,923 14 9
5. Of the charge of the Royal Military Asylum and of the Hibernian Military School, viz: —				
1. Of the Royal Military Asylum			10,695 13 9	
2. Of the Hibernian Military School			4,149 1 11	
Charge for the Royal Military Asylum and Hibernian Military School				14,844 15 8
6. Of the charge of volunteer corps			- -	106,211 6 8
Total estimates for effective army services, 1836-37				4,151,587 19 7
Deduct charge of the land forces defrayed by the East India Company, as above				691,133 2 5
Remains charge for the United Kingdom and the colonies				3,460,454 17 2

II. ESTIMATES OF NON-EFFECTIVE SERVICES.

1. Of the charge of allowances as rewards for distinguished services, and allowances to officers of garrisons at home and abroad, holding their appointments as rewards for military service, but to which no efficient military duty attaches, and which appointments will be abolished on vacancies occurring, when rewards for distinguished services will be granted in lieu thereof	16,311 13 4
2. Of the charge of the pay of general officers, not being colonels of regiments	106,000 0 0
3. Of the charge of full pay for reduced and retired officers of his Majesty's forces	71,500 0 0
4. Of the charge for half pay and military allowances to reduced and retired officers	566,000 0 0
5. Of the charge of half pay and reduced allowances to officers of disbanded foreign corps, of pensions to wounded foreign officers, and of allowances to the widows and children of deceased foreign officers	75,760 0 0
6. Of the charge of pensions to be paid to widows of officers of the land forces	148,990 0 0
7. Of the charge of allowances on the compassionate list, of allowances as of his Majesty's royal bounty, and of pensions, gratuities, and allowances to officers for wounds	154,000 0 0
8. Of the charge of Chelsea and Kilmainham Hospitals, of the in-pensioners of these establishments, of the out-pensioners of Chelsea Hospital, and pensions granted to discharged negro soldiers	1,337,050 16 1
9. Of the charge of allowances, compensations, and emoluments in the nature of superannuation or retired allowances, to persons formerly belonging to public departments in the United Kingdom	47,965 13 7
Total estimates for non-effective services	2,523,578 3 0
To which add total estimates for effective services, as before	4,151,587 19 7
Grand total of estimates for effective and non-effective army services, 1836-37	6,675,166 2 7
And deducting charge for land forces defrayed by the East India Company, as before	691,133 2 5
There remains grand total of estimates for effective and non-effective army services for the United Kingdom and colonies	5,984,033 0 2

III. ORDNANCE.

Estimate for ordnance, 1836-37	1,263,449 0 0
Total expense of army in 1836-37	7,247,482 0 2

Certain descriptions of officers, as paymasters, surgeons, assistant-surgeons, lieutenants, quarter-masters, and veterinary surgeons, are entitled, after certain periods of service, to additional pay. Privates enlisted prior to the 24th of January, 1823, are entitled to 1*d.* per diem, additional pay, after seven years' service; and *all* persons are entitled to 2*d.* per diem, additional pay, after fourteen years' service. The following table exhibits the daily pay of all descriptions of commissioned and non-commissioned officers and men in the principal departments of the service, as fixed by royal warrant of the 1st of April, 1834.

Annual Rates of Pay of Officers.

Rank of Officer.	First Dragoon Guards.	Other Regiments of Cavalry.	Regular Infantry.	First West India Regiment.	Second West India Regiment.
	£	£	£	£ s. d.	£ s. d.
Colonel — If appointed on or before the 31st March, 1834	1,100	1,000	600	574 17 6	593 2 6
Colonel — If appointed after that day	1,100	900	500	500 0 0	500 0 0

Daily Rates of Pay of Officers.

Rank of Officer.	Dragoon Guards and Dragoons.	Infantry of the Line.	Staff Corps.
	£ s. d.	£ s. d.	£ s. d.
Lieutenant-Colonel	1 3 0	0 17 0	
Major	0 19 3	0 16 0	
Captain	0 14 7	0 11 7	0 15 8
Ditto, having higher rank by brevet	- -	0 13 7	
Lieutenant	0 9 0	0 6 6	0 9 0
Ditto, after 7 years' service as a lieutenant; or after 5 years' such service, if the officer was present as a subaltern at the battle of Waterloo	-	0 7 6	
Ditto, after 5 years' service as a lieutenant, if the officer was present as a subaltern at the battle of Waterloo, but not otherwise	0 10 0	- -	0 10 0
Cornet	0 8 0		
Ensign	- -	0 5 3	
Paymaster	0 15 0	0 15 0	
Ditto, after 20 years' service in that rank on full pay	1 0 0	1 0 0	
Adjutant	0 10 0	0 8 6	
Surgeon	0 13 [illegible]	0 13 0	
Ditto, after 10 years' service on full pay in the army, in any capacity as a medical officer	0 15 0	0 15 0	
Ditto, after 20 years	0 19 0	0 19 0	
Ditto, after 25 years	1 2 0	1 2 0	
Assistant surgeon	0 8 6	0 7 6	
Ditto, after 10 years' service on full pay in the army, in any capacity as a medical officer	0 11 0	0 10 0	
Veterinary surgeon	0 8 0		
Ditto, after 3 years' service in the army in any capacity as a medical officer on full pay	0 10 0		
Ditto, after 10 —	0 12 0		
Ditto, after 20 —	0 15 0		
Quarter-master	0 8 0	0 6 6	0 6 6
Ditto, after 10 years' service in that rank on full pay	0 10 6	0 8 6	0 8 6
Ditto, after 15 years' ditto	0 12 0	0 10 0	0 10 0

Rates of Daily Pay of Non-commissioned Officers, Trumpeters, Drummers, Privates, and Boys.

Rank of Non-commissioned Officers, &c.	Dragoon Guards and Dragoons.	Infantry of the Line.	Staff Corps.
	s. d.	s. d.	s. d.
Serjeant-major (regimental)	3 6	3 0	
Troop serjeant-major	3 0		
Serjeant-major in West India regiments (regimental)	- -	3 6	
Company serjeant-major in West India regiments	- -	2 10	
Quarter-master serjeant	- -	2 6	3 0
Colour serjeant	- -	2 4	
Paymaster serjeant	2 2	1 10	2 6
Ditto, after 10 years' service as such	2 8	2 4	
Regimental orderly room clerk	2 2	1 10	
Ditto, after 10 years' service as such	2 8	2 4	
Schoolmaster-serjeant	2 2	1 10	
Armourer-serjeant	2 2	1 10	
Saddler-serjeant	2 2		
Hospital-serjeant	2 2	1 10	
Trumpet, drum, or bugle major	2 2	1 10	
Serjeant	2 2	1 10	2 6
Corporal	1 7½	1 4	
Private or farrier	1 3	1 0	
Privates, 1st class — staff corps	- -	- -	2 0
Privates, 2d class — staff corps	- -	- -	1 6
Privates, 3d class — staff corps	- -	- -	1 3
Boys until they attain the age of 15 years	0 10	- -	0 10
Lads in staff corps under the age of 18 years	- -	- -	1 0
Trumpeter, bugler, drummer, or fifer	1 7	1 1¾	1 3

Half Pay.—Besides their pay when embodied, and on service, all classes of commissioned officers, who have served certain periods, receive, when reduced, or off duty, certain sums, denominated half pay. A few officers, and others, receive what are called military allowances. The rates of half pay are of two sorts, denominated *new* and *old.* All officers placed upon half pay during the late war, or who may have been reduced upon the formation of a peace establishment, and all officers compelled for the *public convenience* to retire upon half pay, or in consequence of ill health, as certified by the medical board, are entitled to the new rate of half pay.

TABLE exhibiting the New and Old Rates of Half Pay.—(*Warrant* 22d July, 1830.)

Rank of Officer.	Cavalry.		Infantry.	
	New Rate.	Old Rate.	New Rate.	Old Rate.
	per diem. s. d.	per diem. s. d.	per diem. s. d.	per diem. s. d.
Colonel	15 6	13 0	14 6	12 0
Lieutenant-colonel	12 6	10 0	11 0	8 6
Major	10 0	8 0	9 6	7 6
Captain	7 6	5 6	7 0	5 0
Lieutenants	4 8	3 0	4 0	2 4
Ditto of Infantry, if commissioned 7 years as a lieutenant in the regular army, at the date of being placed upon half pay	- -	- -	4 6	
Ditto of Cavalry of 5 years' standing, if entitled to reckon 2 years for the battle of Waterloo	5 2			
Cornet	3 6	2 6		
Second lieutenant and ensign	- -	- -	3 0	1 10
Adjutant, if not commissioned as lieutenant	4 0	4 0	4 0	4 0

HALF PAY of Medical Officers. — Such Officers, if placed on Half Pay by *reduction of Establishment*, are allowed the following Rates of Half Pay.

Rank of reduced Medical Officer.	Rates of Half Pay after a Service on Full Pay of.				
	30 Years.	25 but under 30 Years.	20 but under 25 Years.	10 but under 20 Years.	Less than 10 Years.
	per diem. L. s. d.	per diem. L. s. d.	per diem. L. s. d.	per diem. L. s. d.	per diem. L. s. d.
Inspector general of hospitals	1 10 0	1 5 0	1 0 0		
Deputy inspector general of hospitals	1 0 0	0 17 0	0 14 0	0 10 6	0 8 0
Assistant inspector of hospitals	0 17 0	0 15 0	0 12 6	0 10 0	0 7 6
Staff surgeon	0 16 0	0 14 0	0 12 0	0 9 6	0 7 0
Regimental surgeon	0 15 0	0 13 0	0 11 0	0 8 6	0 6 0
Assistant surgeon	0 7 6	0 7 0	0 6 0	0 5 0	0 4 0

MEDICAL OFFICERS placed on Half Pay, from any Cause other than Reduction, are allowed the following Rates of Half Pay.

Rank of Retired Medical Officer.	Rates of Half Pay after a Service on Full Pay of				
	30 Years.	25 but under 30 Years.	20 but under 25 Years.	10 but under 20 Years.	Less than 10 Years.
	per diem. L. s. d.	per diem. L. s. d.	per diem. L. s. d.	per diem. L. s. d.	per diem. L. s. d.
Inspector general of hospitals	1 0 0	0 15 0	0 12 0		
Deputy inspector general of hospitals	0 18 0	0 14 0	0 10 0	0 8 0	0 7 0
Assistant inspector of hospitals	0 16 0	0 13 0	0 9 6	0 7 6	0 6 6
Staff surgeon	0 15 0	0 12 0	0 9 0	0 6 6	0 6 0
Regimental surgeon	0 15 0	0 11 6	0 8 0	0 6 0	0 5 6
Assistant Surgeon	0 7 0	0 6 0	0 5 0	0 4 0	0 3 0

The number of officers receiving half pay in 1836-37, was 5,268; and the total sum awarded to them, was 548,000*l.*; being at the rate of 104*l.* to each. The military allowances during the same year were 18,000*l.*, divided amongst 167 individuals.

The widows of deceased officers are also entitled to pensions; vary-

ing from 90*l.* for the widow of a colonel, to 30*l.* for the widow of a veterinary surgeon. During the year 1836-37, no fewer than 3,083 widows received such pensions: the sum voted on their account was 148,990*l.* — (*Army Estimates for* 1836-37, pp. 62, 63.)

A considerable sum (154,000*l.* in 1836-37) is also annually voted to enable her Majesty to make compassionate allowances and gratuities to the families and relatives of deceased officers in distressed circumstances, and to officers who have lost an eye, or sustained other serious and permanent injury on service.—(*Estimates for* 1836-37, p. 64.)

Soldiers' Pensions.—A considerable part of a soldier's remuneration has been made to depend on pensions and gratuities given for wounds received in action, length of service, &c. The expediency of this arrangement is obvious. Neither the pay nor the habits of a soldier are such as to afford the means of making any certain provision for old age; and, though they were, the casualties to which he is exposed, especially during war, would in many instances effectually hinder him from accomplishing any thing of the sort. But it would be alike degrading to the profession, and injurious to the best interests of the nation, were those who had been disabled in the public service to be thrown as paupers on the parish; or that deserving soldiers, after serving for fourteen years, or upwards, should be turned adrift with nothing to depend upon. To obviate the hardships and inconveniences which would result from such a state of things, pensions and gratuities are granted under certain conditions, in consideration partly of wounds or disabilities received in the service, and partly of length of service.

The first general regulation as to pensions, was issued in 1806. A number of warrants, bearing upon the same subject, having been issued at different subsequent periods, a general warrant, consolidating and amending their various regulations, was issued in November, 1829. But this has been superseded by the warrant issued on the 7th of February, 1833; which promulgated an entirely new scale of pensions and gratuities. But in it, as in all previous warrants, the right of the soldier to be pensioned according to the regulations in force when he enlisted is preserved.

The pensions granted under this warrant are either permanent or temporary, according to circumstances. Pensions for wounds in action differ, according to the severity of the wound, from 6*d.* a day to a private, and 1*s.* to a sergeant, to 2*s.* to a private, and 3*s.* to a sergeant; and in cases of extreme suffering, an additional grant may be made, not exceeding 6*d.* a day. The loss of sight, from causes attributable to the service, is recompensed by a pension of from 9*d.* to 1*s.* a day. Men unfit for the ordinary duties of a soldier, and discharged after twenty-one years' service in the infantry, and twenty-four years' service in the cavalry, receive a permanent pension varying from 6*d.* to 1*s.* a day for privates, to 1*s.* and 1*s.* 6*d.* a day for sergeants. Men discharged, after the above-mentioned periods of service, as unfit for the ordinary duties of a soldier, and who are at the same time incapable, by injuries contracted in the service, of earning a sufficient livelihood, receive, in addition to the above rates, 3*d.* and sergeants 6*d.* a day. Men discharged from the service, and unfit to

earn a livelihood, after fourteen and twenty-one years' service, receive permanent pensions; privates, of 6*d.* and 8*d.*, and sergeants, of 9*d.* and 1*s.* a day. Temporary pensions are also granted to persons, unfit for the ordinary duties of a soldier, leaving the army under seven years' service; and to those leaving it, for the same cause, above seven but under ten years' service, and so on. Soldiers of good character, though enlisted for indefinite periods, may, at their own request, be discharged, on payment of certain fixed sums, after certain specified terms of service: and they are entitled to a *free* discharge in the infantry after fifteen, and in the cavalry after sixteen, years' service. Soldiers obtaining free discharges are also entitled, if they settle in any of the colonies, to gratuities varying with the length and description of their service, which are to be paid on their settlement. Gratuitous and honorary medals are, also, given for good conduct and meritorious services.

Chelsea Hospital. — This magnificent establishment was founded in the reign of Charles II., for the relief and support of disabled and worn-out soldiers. It is managed by a board of commissioners, to whose superintendence the various regulations as to the granting of pensions in the army is committed; and who admit a certain number of persons into the establishment, where they are boarded and lodged. Hence the distinction between *in* and *out* pensioners; soldiers living in any part of the country, and receiving a pension, being called out-pensioners of Chelsea Hospital; and those who reside in the house being called in-pensioners. The number of the latter varies; but, at present, they amount to 539. The total out-pensioners upon Chelsea Hospital, in 1836-37, amounted to 79,500; their annual expense being 1,359,463*l.* We subjoin an account of the number of out-pensioners upon Chelsea Hospital in 1835-36 and 1836-37, classified according to the description of force to which they belonged, and specifying the numbers in each class, and the daily pensions payable to each: —

OUT-PENSIONERS of Chelsea Hospital. — (*Army Estimates for* 1836-37, p. 65.)

Numbers in 1835-36.	Numbers in 1836-37.				Rate.	For one Day.
	Regulars.	Ordnance.	Yeomanry.	Totals.		
					s. d.	L. s. d.
37	22	- -	14	36	at 0 4¾ a day.	0 14 3
4,019	2,345	1,552	- -	3,867	— 0 5 —	80 11 3
29	- -	28	- -	28	— 0 5½ —	0 12 10
15,959	14,307	1,035	44	15,386	— 0 6 —	384 13 0
25	- -	25	- -	25	— 0 6½ —	0 13 6½
2,232	2,107	77	- -	2,184	— 0 7 —	63 14 0
21	- -	19	- -	19	— 0 7½ —	0 11 10½
39	- -	39	- -	39	— 0 8 —	1 6 0
21	- -	21	- -	21	— 0 8½ —	0 14 10½
14,189	12,703	1,151	6	13,840	— 0 9 —	519 0 0
32	- -	32	- -	32	— 0 9½ —	1 5 4
1,489	1,446	65	- -	1,511	— 0 10 —	62 19 0
23	- -	22	- -	22	— 0 10½ —	0 19 3
31	- -	33	- -	33	— 0 11 —	1 10 3
43	16	27	- -	43	— 0 11½ —	2 1 9½
2	- -	2	- -	2	— 0 11¾ —	0 1 11¼
19,617	16,506	2,660	1	19,167	— 1 0 —	958 7 0
21,555	18,527	2,337	- -	21,864	Between 1s. and 2s. a day, in consequence of their being totally disabled, or of having served more than 21 years in the infantry, or 24 years in the cavalry - -	1,491 1 7
1,385	1,159	222	- -	1,381	§Between 2s. and 3s. a day -	155 13 9
80,749	69,138	10,297	65	79,500	For one day - -	3,724 11 1½
					Which, for 365 days is - - - - - -	1,359,463 0 7½

A royal school is attached to Chelsea Hospital; where the orphans and other children of soldiers are brought up and educated.

Militia. — This term, in its general sense, means the whole body of persons, whether stipendiary or not, who bear arms in defence of the state. But, amongst us, its meaning is restricted to the county forces selected by lot from the inhabitants, and commanded by the lords-lieutenant. The standing army being, as already stated, an object of much jealousy with many persons; and the necessity of having a force provided, not merely for the preservation of internal tranquillity, but to oppose an enemy in the case of invasion; led most persons attached to popular principles to recommend the substitution of a militia for a standing army. This favourite plan was carried into effect in 1757. By the act then passed (18 Geo. II. c. 30.), a certain number of the inhabitants of every county, selected by ballot, were to serve in the militia for three years, or else to provide substitutes. They were to be annually called out, trained, and disciplined for a certain number of days; and were to be officered by the deputy lieutenants and principal landholders. They were not compellable to march out of their respective counties, except in case of invasion or of actual rebellion; nor were they in any case compelled to march out of the kingdom. While upon duty, they were subject to martial law; but at other times this was not the case. Subsequent acts considerably altered and modified this system. During the late war, the militia was kept constantly on foot, and might be sent to any part of the kingdom; so that it differed little from the regular army, except that it could not be sent abroad, and that it was recruited by ballot. But, in addition to the above, a militia, called *local*, corresponding very closely to the militia of the reign of George II., was established in every county. After the peace of 1815, the militia was disembodied: it may, however, be still called out if necessary, but that is rarely thought to be the case.

The popularity that attached to the militia at its first formation was but short-lived; and it soon began to be looked upon rather as a sort of preparatory school for the regular army, than as good for any thing else. During the late war, the militia laws inflicted a very great hardship upon the lower classes. The persons liable to the ballot were partly rich and partly poor; but personal service was not essential, the parties chosen being at liberty either to provide a substitute, or to pay certain sums. In point of fact, therefore, the militia degenerated into a sort of capitation tax; with this oppressive and unjust peculiarity, that it fell with as much severity on the poor as on the rich; so that, while it only imposed a trifling sacrifice on the latter, it often forced the poor man from his home, and compelled him to become a soldier. In consequence, the militia became exceedingly unpopular; and it is not very probable that the hardship and injustice inseparable from it would be again submitted to.

Volunteers, Yeomanry. — In addition to the standing army and the militia, there were embodied, during the late war, very large bodies of volunteers, consisting partly and principally of voluntary infantry (volunteers), and partly of voluntary cavalry, or yeomanry. These were called out each year, and disciplined for three weeks; and, as

they consisted entirely of volunteers, and were not called upon to leave their homes, or to quit their ordinary employments, except for the short period they were in quarters, the duty was not found to entail any serious privation. The volunteers were disbanded at the peace; but numerous troops of yeomanry, which is probably the best of that description of force, are still kept up.

According to the muster-rolls in the early part of 1836, the yeomanry force of Great Britain consisted of 338 troops, including 1,155 officers and 18,210 men. The total cost to the public may be estimated at about 100,000*l.* a year.—(*Parl. Paper*, No. 405., Sess. 1836.)

We, however, are firmly impressed with the conviction, that a standing army, constituted by voluntary enlistment, is decidedly superior to any other description of force that can be employed, either to maintain tranquillity at home, or to carry on war abroad. The benefits of the division of labour are as conspicuous in this as in any other department. To be a good soldier, a man must be nothing else. Militiamen and yeomanry, called only for short periods from their ordinary avocations, never acquire those habits of discipline, and of prompt and willing obedience, that are of the essence of a soldier. They are more than half citizens; and, being actuated by all the partialities and prejudices of the district or sect to which they belong, they always act under a bias, and can with difficulty be kept to the strict line of their duty. A regular soldier has no such partialities; he does what he is ordered, and he does no more. The fear of his being employed to subvert the constitution, and to establish arbitrary government, is too ridiculous to deserve notice; and it would be childish in the extreme, to deny ourselves the great and signal advantages derivable from a standing army when kept within due bounds, from any ridiculous apprehension of its being employed to overthrow that liberty and security of which it is the best support.

Police.—Exclusive of troops, militia, and yeomanry, a police force is kept up in most large towns. This is a description of civil force, maintained for the preservation of good order, and the prevention of crime; the organisation and efficiency of which differs in different places. Its expenses are usually defrayed by a rate laid on the inhabitants of the town or place where it is established. The metropolitan police was newly organised a few years ago; and is now a very effective force. At present it consists, exclusive of commissioners, clerks, &c., of 17 superintendents, 70 inspectors, 342 sergeants, and 2,977 constables or privates. The total expenditure on account of the new police amounted, in 1835, to 208,222*l.* The old system of watchmen is, however, still kept up within what is technically called the city of London. The force employed in it, in 1835, consisted of 453 ordinary watchmen, 65 superintendent watchmen, 91 patrolling watchmen; and 47 beadles; the total expense being 43,863*l.* A horse patrol, consisting of about 70 officers and men, is also kept on foot for the security of the roads in the vicinity of the metropolis.—(*Parl. Paper*, No. 323., Sess. 1836.)

Police, Ireland.—The police or constabulary force of Ireland is armed, and has more of a military than of a civil character. Accord-

ing to recent arrangements, a lord-lieutenant is appointed to each Irish county, through whom all communications to the Irish government are made. The lords-lieutenant are assisted in the discharge of their duties by an indefinite number of deputy lieutenants. All these officers act gratuitously, and are removable at pleasure. The constabulary force amounted, in the early part of the present year (1836), to 4 inspectors general, 10 magistrates, 214 chief constables, and sub-inspectors, 1,232 constables, and 6,233 sub-constables; making a total of 7,644 men, maintained at an expense of 314,072*l.* In addition to this permanent force, a temporary police is maintained, under the Peace Preservation Act, in the counties of Clare, Galway, Louth, Limerick, Kilkenny, Queen's, Tipperary, and Wicklow, consisting of 10 magistrates, 9 chief constables, 109 constables, and 492 sub-constables, in all 620 men, at an expense of 31,825*l.* The whole police, therefore, amounts to 8,264 men, maintained at an expense of 345,897*l.* per annum; giving an average of 41*l.* per annum for each man.—(*Parl. Paper*, No. 215., Sess. 1836.)

According to the new act for consolidating and amending the laws relating to the constabulary force, it is to consist of an inspector general and 2 sub-inspectors general, resident in Dublin, empowered to exercise the functions of magistrates in all counties; an inspector for every county, except Cork, Galway, and Tipperary, which are to have 2 each; the like number of sub-inspectors, a chief constable, two head constables, and a number of constables and sub-constables (not exceeding 16 for each barony), in every barony; and also a chief constable, two head constables, and a number of constables (not exceeding 100 in each case) to every county of a city and county of a town, except the city of Dublin. Under this act, therefore, the whole ordinary police of Ireland, except that of Dublin, which is provided for by a separate act, will amount to 6,400 men. The same act gives the Lord-Lieutenant power to appoint an extraordinary number of police officers in places declared to be in a disturbed state, or where the magistrates state such addition to be necessary. The entire force is to be under the special control of the Lord-Lieutenant, who is empowered to make regulations for its direction; and all its members are appointed by him, and are removable at his pleasure.

Sect. II. *Navy.*

The navy of Great Britain has long been her pride and best bulwark. The sea service has always been popular. No one fears that the sailors in the pay of the state will ever be employed to subvert the national liberties; and, not being engaged in the preservation of internal peace and good order, they escape all that suspicion and unpopularity that sometimes attach to the military: they are, in fact, formidable only to our enemies; and our exemption for so long a period from hostile aggresion, though partly ascribable to our insular situation, is mainly a consequence of the superiority of our navy. The House of Lords, in an address to Queen Anne, in 1707, laid it down as "a most undoubted maxim, that the honour, security, and wealth of this kingdom does depend upon the protection and

encouragement of trade, and the improving and right encouraging its naval strength * * * therefore, we do in the most earnest manner beseech your Majesty, that the sea affairs may always be your first and most peculiar care." And there cannot be a question that, in this instance, the Lords gave utterance to what were then, and have ever since been, the sentiments of the great majority of the nation.

Progress of the Navy.—Notwithstanding the vast naval power of Great Britain in the last and present centuries, the navy did not become formidable till the reign of Elizabeth. Previously to her reign, or that of her father, our sovereigns had but few ships: when they wished to transport an army to France, or to undertake any considerable naval enterprise, it was usually effected by requisitions of ships and seamen from the different seaport towns, which were dismissed as soon as the occasion for their service was over. The naval force collected to oppose the Armada consisted of 176 ships, and about 15,000 men; being a larger armament than had ever been previously brought together under any English commander. But of this fleet, only about 40 ships and 6,000 men belonged to the royal navy; the rest consisting of ships and men furnished by London, Bristol, Yarmouth, the Cinque Ports, &c. At the end of this long and prosperous reign the navy consisted of 42 ships, of different sizes, of the estimated burthen of 17,000 tons, and carrying 8,340 men.

During the pacific reign of James I. the navy, though not neglected, was not materially enlarged. Charles I. added, in the early part of his reign, several ships to the navy; but in 1648 Prince Rupert carried off 26 ships, none of which ever returned to England. So reduced, indeed, was the navy at the commencement of Cromwell's government, that he had only 14 ships of war of two decks, some of them carrying only 40 guns. But his vigorous and able administration speedily raised the navy to a magnitude and power formerly unknown; and, under the command of Blake, it became not merely equal, but superior to that of the Dutch, then the greatest maritime power of Europe. When greatest, Cromwell's navy consisted of about 150 sail, of which more than 50 had two decks. The seamen employed exceeded 20,000. Cromwell divided the navy into rates and classes, nearly in the same way as at present.

James II., when Duke of York, and afterwards when king, paid much attention to the navy and to naval affairs; and greatly distinguished himself in some desperate engagements with the Dutch. At his abdication the navy amounted to 173 sail, measuring 101,892 tons, and having on board 6,930 guns, and 42,000 seamen.

The famous battle off Cape la Hogue, in 1692, gave the British navy an ascendancy over that of France which it has ever since preserved. It was, besides, materially increased during the reign of William III., being continued nearly on the footing on which he left it during the reigns of Anne and George I. In the wars of 1744 and 1755, our naval enterprises were crowned with the most signal success. In 1760, at the demise of George II., the navy consisted of 412 ships, measuring 321,104 tons; the men voted for the naval service that year being 51,645 seamen, and 18,355 marines. The

total sum voted on account of the navy during the same year was 5,611,508*l.*

The progress of the navy since 1760 is familiar to every one. It is sufficient, therefore, to observe, that, though the combined fleets of France and Spain seemed to have an ascendancy during part of the American war, the victories of Rodney restored our previous superiority. The nature of the struggle with revolutionary France, the bitterness with which it was carried on, and the fleets required not merely for the protection of our own shores, but for that of our mercantile shipping, and of our numerous colonies in all parts of the world, led to an immense increase of our naval force; and while our navy was thus progressively augmented, the decisive victories of the first of June, 1794, and of St. Vincent, Camperdown, the Nile, Copenhagen, and Trafalgar, almost destroyed every fleet that could be opposed to it, leaving us the undisputed masters of the ocean.

Rating of Ships. — It is of very considerable importance, in order to insure union in the movements of a fleet, and to facilitate their fitting out and repair, that ships of the same rate or class should not differ materially in size or build from each other: this, however, has been too little attended to. Sir John Barrow mentions, in proof of the inconveniences resulting from the improper rating of ships, that when Lord Nelson was off Cadiz with 17 or 18 sail of the line, he had no fewer than seven different classes of 74-gun ships, each requiring different sized masts, sails, &c.; so that in the event of one of these being disabled, the others could not supply her with stores suitable to her wants. (*Supplement to Encyc. Brit.* vol. vi. p. 31.)

To obviate these inconveniences, a new classification of shipping was introduced in 1816; and it is now ordered that the Navy shall be rated as follows: —

1. Rated ships, viz.: —
   First Rate. — All three-decked ships.
   Second Rate. — One of his Majesty's yachts, and all two-decked ships, whose war complements consist of 700 men and upwards.
   Third Rate. — His Majesty's other yachts, and all such yachts as may bear the flag or pendant of an admiral or captain superintending one of his Majesty's dock-yards; and all ships whose complements are under 700, and not less than 600.
   Fourth Rate. — Ships whose complements are under 600, and not less than 400.
   Fifth Rate. — Ships whose complements are under 400, and not less than 250.
   Sixth Rate. — Ships under 250.
2. Sloops and bomb-vessels; all such as are commanded by commanders.
3. All other smaller vessels, such as are commanded by lieutenants or inferior officers.*

Ships of the 1st rate carry 100 guns and upwards; those of the 2d rate, 80 and upwards; the 3d rate, from 70 to 80; the 4th rate, from 50 to 70; the 5th rate, from 36 to 50; and the 6th rate, from 24 to 36.

Subjoined is an Account of the Ships in Commission and in ordinary in 1792, 1815, and 1835.

		1st Rate.	2d.	3d.	4th.	5th.	6th.	Small Vessels, &c.
Ships in commission	1792	- -	2	10	6	14	12	81
	1815	1	2	22	5	50	25	113
	1835	1	3	5	8	6	13	136
Ships in ordinary	1792	7	19	102	16	79	30	179
	1815	12	15	173	13	100	80	167
	1835	14	16	50	14	75	13	89

* This table, and several of those that follow, are extracted from the *Navy List*, published by authority. This list contains a great deal of useful and important information; and is, in all respects, as superior as can well be imagined to the Army List. The latter contains little or nothing save an account of the general and field officers, and of the officers of the different regiments.

NAVY of Great Britain in 1835.

	1st Rate.	2d.	3d.	4th.	5th.	6th.	Small Vessels.
Ships in commission	1	3	5	8	6	13	136
in ordinary	14	16	50	14	75	13	89
Total ships	15	19	55	22	81	26	225

NUMBER of Seamen and Marines, and Sums voted on account of the Naval Service in 1792, 1815, and 1835.

Years.	Men.	Sums.
		L.
1792	16,000	1,985,482
1815	{ 70,000 for 3 months 90,000 for 10 months }	17,032,700
1835	26,500	4,245,723

N. B.—These sums include the *non-effective* as well as the effective services. The expenses of the navy, in 1792, really amounted to 2,561,192*l.*; for, besides the sums voted, 444,710*l.* was added to the navy debt, and an armament, not included in the above, cost 131,000*l.*

ACCOUNT of the various Items voted on the Navy Estimates for the Year 1835-36.

Description of Items.	Amount.
	L.
Wages to seamen and marines, to ordinary and yard craft	933,054
Victuals for ditto ditto ditto	339,825
Admiralty Office	108,844
Navy Pay Office	22,183
Scientific branch	24,590
His Majesty's establishments at home	118,547
His Majesty's establishments abroad	22,661
Wages to artificers, &c., employed in his Majesty's establishments at home	350,612
Wages to artificers, &c., employed in his Majesty's establishments abroad	25,765
Naval stores, &c., for the building and repair of ships, docks, wharfs, &c.	317,885
New works and improvements in the yards, &c.	106,268
Medicines and medical stores	19,518
Miscellaneous services	26,548
Total for the effective service	2,416,300
Half pay to officers of the navy and royal marines	819,103
Military pensions and allowances	522,695
Civil pensions and allowances	219,625
Total for the naval service	3,977,723
For the Service of other Departments of Government.	
Army and ordnance departments (conveyance of troops, &c.)	169,450
Home department (convict service)	98,550
Grand Total	4,245,723

(*Navy Estimates for* 1836-37., p. 2.)

Cost of Building and Repairing Ships.—The expense of building and fitting out ships of war differs widely at different periods: it depends partly on the mode in which they are built, rigged, &c., and partly on the price of timber, iron, canvass, cordage, &c., at the time. The following statement is believed to be nearly accurate, in so far as respects the quantities of timber, canvass, and cordage, required for different classes of ships; but, for the reasons now stated, little or no reliance can be placed on the estimate of their aggregate expense.

TABLE showing the Loads of Timber, Yards of Canvass, Fathoms of Rope, required for each Rate of Ships of War, with the Expense of their Hull, Mast, Yards, Rigging, &c.

Number of Guns.	Tonnage.	Loads of Timber.	Yards of Canvass.	Fathoms of Rope.	Expense of Hull, Masts, Yards, &c.
					L.
120	2,602	5,880	20,101	30,250	100,394
80	2,270	4,339	20,791	32,400	71,782
74	1,741	3,500	17,434	27,152	64,073
52	1,468	2,372	17,514	28,700	41,355
46	1,063	1,800	12,373	20,728	31,316
28	500	963	8,118	19,031	17,120
Corvette 18	456	624	8,816	19,350	15,037
Brig 18	382	471	6,394	10,709	10,128
10	235	337	4,656	7,335	6,721
Schooner —	183	250	4,540	-	4,975
Cutter —	161	186	4,729	-	4,502

The wear and tear of ships in the navy when afloat, and especially during war, is necessarily very great, but, owing to the prevalence and destructive ravages of the *dry rot* in timber, the waste of ships, even when laid up in ordinary, has sometimes been quite extraordinary: in fact, instances have occurred in which the hulls of new ships have been found so much affected with this disease, that it has been necessary to give them a thorough repair, or almost to rebuild them, before they were in a state to go to sea! Many plans and precautions have been suggested for obviating the influence of this "timber plague;" but their success, though considerable, has been far from complete. Recently, however, Mr. Kyan has discovered a process for preparing timber, which the concurrent testimony of the most skilful judges, and a pretty considerable experience, would seem to prove is effectual for the prevention of dry rot. Should such be the case, the advantage will be very great, not merely in the saving of expense in the repair of his Majesty's ships, and of our mercantile navy, but in rendering ships more efficient, and in preventing the destruction of much valuable timber. Subjoined is an account, deduced from the navy estimates, of the cost of building new ships, and of the expense of the repair and of the ordinary wear and tear of his Majesty's ships, from 1800 to 1819, both inclusive.

ESTIMATED Charge for the Building, Repair, and Wear and Tear of Ships, from 1810 to 1820.

Year.	Building.	Repairs.	Ordinary Wear and Tear.	Total each Year.
	L.	L.	L.	L.
1800	399,170	230,960	227,549	857,679
1801	506,290	233,640	227,840	967,770
1802	340,350	319,970	252,010	912,360
1803	422,860	376,790	255,360	1,055,010
1804	406,510	433,500	198,340	1,038,650
1805	641,290	833,970	216,760	1,692,020
1806	1,677,440	238,040	251,750	2,170,230
1807	1,528,970	517,779	271,805	2,318,554
1808	1,564,344	689,051	270,929	2,524,327
1809	1,503,729	674,267	354,214	2,537,210
1810	1,073,734	652,079	358,684	2,084,497
1811	1,304,019	546,958	403,360	2,254,337
1812	1,138,501	417,995	275,316	1,861,813
1813	1,984,772	612,916	432,518	3,030,206
1814	907,038	774,622	430,671	2,112,331
1815	680,089	1,006,762	462,242	2,149,093
1816	645,249	920,082	535,589	2,100,920
1817	569,033	570,244	364,625	1,503,902
1818	604,240	570,750	310,000	1,484,990
1819	763,620	381,810	310,000	1,455,430
Totals	18,721,551	11,037,188	6,412,592	36,171,331

Government of the Navy.—The general direction and control of all affairs connected with the navy is intrusted, under his Majesty, to the Lord High Admiral, or to the commissioners for discharging the functions of that officer. The duties of the Lord High Admiral were formerly judicial as well as administrative; he having not merely to govern the navy, but to preside over a court for adjudging all nautical cases, and for taking cognisance of all offences committed on the high seas. But the judicial are now separated from the other duties of this high functionary, being devolved upon the Judge of the Admiralty Court.—(See *ante*, p. 331.)

From the reign of Queen Anne down to the present time, with the exception of the short period during which his present Majesty, when Duke of Clarence, held the office, the duties of the Lord High

Admiral have been discharged by commissioners. These have consisted generally of a first lord, and of four or six junior lords. Civilians may be appointed to these offices; but at least two of the lords are always professional men. But, though assisted by junior lords, practically, all the power and authority of the board is vested in the first lord. We agree with those who contend that this is the best arrangement. It gives that efficiency and consistency to the orders of the board they could hardly be expected to possess were the authority of the different lords equal; and it also produces a greater responsibility and attention to his duties on the part of the first lord. The powers exercised by the Board of Admiralty are very extensive and important. By their orders all ships are built, repaired, fitted for sea, or laid up in ordinary, broken up, or sold; put in commission, or out of commission; armed, stored, and provisioned; employed on the home or on foreign stations. All appointments, or removals of commission and warrant officers, are made by them; and all instructions issued for the guidance of their commanders; all promotions in the several ranks emanates from them; all honours bestowed for and without services, and all pensions, gratuities, and superannuations for wounds, infirmities, and long services, are granted on their recommendation. All returns from the Fleet are sent to the Board of Admiralty, and every thing that relates to the discipline and good order of every ship. All orders for the payment of naval monies are issued by the lords commissioners of the Admiralty; and the annual estimate of the expenses of the navy, prepared by them, is laid before Parliament for its sanction. All new inventions and experiments are submitted to them before being introduced into the service; all draughts of ships must have their approval; all repairs, alterations, and improvements in the dock yards, and all new buildings, of every description, must be decided upon by them before they are undertaken. (*Supp. to Ency. Britannica*, art. NAVY.)

There are three gradations of admirals, viz., admirals, vice-admirals, and rear-admirals; and each of these dignities consists of three divisions, distinguished by the colour of their flags. Thus, there are admirals of the red, the white, and the blue squadrons, bearing their respective flags at the main-top-gallant mast-head; vice-admirals of the red, the white, and the blue squadrons, bearing their respective flags at the fore-top-gallant mast-head; and rear-admirals of the red, the white, and the blue squadrons, bearing their respective flags at the mizen-top-gallant mast-head. All admirals, whatever be their rank, take the common title of *flag officers*.

Admirals rank with generals in the army, vice-admirals with lieutenant-generals, and rear-admirals with major-generals. The command of each ship is intrusted to a captain, or to a commander, who has under him a certain number of lieutenants, according to the size of the ship, with a master, purser, midshipmen, gunners, &c. A captain of three years standing ranks with a colonel in the army, and a captain of less than three years standing with a lieutenant-colonel; a commander ranks with a major, and a lieutenant with a captain. The captain is responsible for the discipline and efficiency of the crew, and the good order of the ship. Notwithstanding he is fur-

nished with minute instructions for his guidance in every particular, much must always necessarily depend on his conduct and character. He has power to order punishment to be inflicted; but it must be done in the presence of all the officers and ship's company. An account, stating all the circumstances, must also be entered in the ship's log, an abstract of which is forwarded each quarter to the Admiralty. This regulation has tended to repress hasty and inconsiderate punishment; and has done much to improve the conduct of the officers, as well as to promote the proper discipline of the navy.

Appointment of Officers. — Young gentlemen enter the service as volunteers of the 1st class; and every officer, commissioning a ship, is allowed to make *one* fresh entry. A volunteer must remain two complete years in that capacity, and attain the age of fourteen, before he can be rated a midshipman; when he has completed six years service, and attained the age of nineteen, he may be examined in seamanship, and also in navigation, for the rank of lieutenant; and should he pass such examinations, he is eligible to hold a warrant as mate, if his conduct be satisfactory to his captain.

Young gentlemen were formerly allowed to enter the service by becoming students at the Naval College at Portsmouth, but that establishment was abolished by the Board of Admiralty in 1835.

No person can receive a commission as lieutenant unless he have passed both the above examinations; but having done so, he is eligible for promotion to that rank. A lieutenant is not eligible for a commander's commission till he have served two years at sea in a ship of war as lieutenant; nor is a commander eligible for a captain's commission till he have served one complete year at sea in a ship of war as commander.

In 1830 a temporary restriction was placed on promotions by a minute of the Admiralty Board. This limited the promotion of officers to the rank of captain, and all below that rank, to filling up one in three vacancies on the list, with the exceptions, viz., 1st, of death vacancies on foreign stations, which the commanders-in-chief have authority to fill up; 2d, the reservation to the Admiralty of power to promote for special or brilliant services; 3d, of the occasion of a commander-in-chief striking his flag; and 4th, on the recommendation of the Board of Customs for services in the coast guard.

Captains and admirals are promoted by seniority, on what is termed a "flag promotion" taking place; but a captain must have served as under, in command of a rated ship, before he can obtain his flag; viz.,

In war - - - -	4 years.
In war and peace combined - -	5 —
In peace - - - -	6 —

All other classes of officers are promoted at the discretion of the Board of Admiralty.

Enrolment of seamen. — Any person may enter the navy as a common seaman, on application to the commanding officer of any of her Majesty's ships in commission, provided he be approved by the examining surgeon, and have not previously been "discharged from the service with disgrace."

Persons who have never been at sea are rated as landsmen, and seafaring men are rated as "ordinary" or "able" seamen, besides numerous gradations of petty officers to which they are rated at the discretion of the commanding officer.

Seamen are also obtained for the navy at the breaking out of a war, or on any other emergency, by the practice of *impressment*. The antiquity and legality of this practice cannot be questioned; but very great and serious doubts have been, and may be, entertained as to its expediency.* Foreigners are the only persons exempted at common law from impressment; but exemptions have been created by acts of parliament in favour of various classes, as landsmen, apprentices, foreigners, seamen employed in the fisheries, watermen in the service of fire insurance companies, &c.

Marines.—Privates are received into the marine corps from 18 to 25 years of age, provided they be 5 feet 7½ inches high, and approved on examination by the surgeon.

Discipline of the Navy.—The rules and provisions for the enforcement of discipline and good order in the navy, are embodied in an act of the 22 Geo. II., explained and amended by an act of the 19 Geo. III. These acts form what may be called the martial law of the navy; and to them we beg to refer the reader for an account of the penalties imposed on cowardice, neglect of duty, &c.

Pay, &c., of officers and men.—Full pay differs not only according to the department of the service to which officers and men are attached, but also, in some instances, according to the rate of the ship on board which they are serving. The following table exhibits the number and nett sea-pay of the commissioned, warrant, petty, and non-commissioned officers, and of every description of seamen and marines on board each class of her Majesty's ships, when on the full war establishment. (See Table on pages 456, 457.)

Pay of Flag Officers, Surgeons, &c.—

	L.	s.	d.	
Admiral of the Fleet	6	0	0	Sea pay per diem, besides which every commander-in-chief shall receive a further sum of 3*l.* per diem, while his flag shall be flying within the limits of his station.
Admiral	5	0	0	
Vice Admiral	4	0	0	
Rear Admiral, or commodore of the first class	3	0	0	
Captain of the Fleet				

In flag ships all the lieutenants (including one extra as flag lieutenant) are allowed 6*d.* per diem in addition to their pay.

	L.	s.	d.	
Physician of the fleet of less than three years' service as such	1	1	0	per diem.
Physician of the fleet of more than three, and less than ten years' service	1	11	6	—
Physician of the fleet of more than ten years' service	2	2	0	—
Master of the fleet	15	7	0	per mens.
Secretary to the admiral of the fleet	38	7	0	—
Secretary to an admiral, commander-in-chief	30	13	8	—
Secretary to a vice or rear admiral, commander-in-chief	23	0	4	—
Secretary to a junior flag officer or commodore	11	10	0	—
Two clerks to secretaries of commanders-in-chief, each	4	14	0	—
One clerk to secretaries of junior flag officers or commodores	3	18	8	—
Admiral's coxswain	2	11	0	—
Admiral's steward, Admiral's cook, Admiral's domestics	1	14	0	—

Surgeons shall be paid in all rates according to their length of service including not more than three years' time as an Assistant Surgeon, or Hospital Mate), viz.—

	Per diem. L.	s.	d.		Per diem. L.	s.	d.
Surgeons of less than six years' service	0	10	0	Surgeons of more than twenty years' service	0	18	0
Surgeons of more than six and less than ten years' service	0	11	0	Surgeons of hospital ships of whatever length of service	0	18	0
Surgeons of more than ten and less than twenty years' service	0	14	0				

* For remarks on the policy of impressment, and the propriety of its abolition, see the note on Impressment in M'Culloch's edition of the *Wealth of Nations*.

Nett Sea Pay and Number of Naval and Marine Officers and Men in H. M. Ships during War.

Ranks and Ratings.	First Rate. — Pay per Mensem.			Second Rate. — Pay per Mensem.			Third Rate. — Pay per Mensem.			Fourth Rate. — Pay per Mensem.			Fifth Rate. — Pay per Mensem.			Sixth Rate. — Pay per Mensem.			Sloops. 100 Men and upwards. — Pay per Mensem.			Sloops. Under 100 Men. — Pay per Mensem.			Bombs. — Pay per Mensem.			Gun Brigs, Schooners, and Cutters. — Pay per Mensem.		
	No.	L.	s.	d.	No.	L.	s.	d.	No.	L.	s.	d.	No.	L.	s.	d.	No.	L.	s.	d.	No.	L.	s.	d.	No.	L.	s.	d.	No.	L.	s.	d.	No.	L.	s.	d.
Captain	1	61	7	4	1	53	14	0	1	46	0	8	1	38	7	0	1	30	13	8	1	26	17	0	-	-	-	-	-	-	-	-	1	23	0	4
Commander	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-
First lieutenant of seven years' standing	8	11	10	0	7	11	10	0	6	11	10	0	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	1	23	0	4
All other lieutenants		9	4	0		9	4	0		9	4	0																								
Master	1	13	0	8	1	12	5	4	1	11	10	0	5	9	4	4	4	9	4	0	3	9	4	0	2	9	4	0	2	9	4	0	2	9	4	0	1	11	10	0
Chaplain	1	12	5	4	1	12	5	4	1	12	5	4	1	10	14	8	1	9	4	0	1	8	8	8	1	7	13	4	1	7	13	4	1	7	13	4	1	7	13	4
Surgeon	1	as above			1	-	-	-	1	-	-	-	1	12	5	4	1	12	5	4	1	12	5	4												
Purser	1	7	0	0	1	7	0	0	1	7	0	0	1	-	-	-	1	-	-	-	1	-	-	-	1	12	5	4	1	12	5	4	1	12	5	4				
Second Master	1	5	9	4	1	5	9	4	1	5	9	4	1	7	0	0	1	7	0	0	1	7	0	0	1	7	0	0	1	7	0	0	1	7	0	0				
Assistant-surgeon	3	9	4	0	3	9	4	0	2	9	4	0	1	5	9	4	1	4	14	0	1	4	14	0												
Gunner	1	7	15	4	1	7	0	0	1	6	4	8	1	9	4	0	1	9	4	0	1	9	4	0	1	9	4	0	1	9	4	0	1	9	4	0	1	9	4	0
Boatswain	1				1				1				1				1				1				1				1											
Carpenter, with 7s. per mensem additional for tools in every rate	1				1				1				1				1	5	9	4	1				1				1											
Mate	24	3	18	8	20	3	18	8	16	3	18	8	10	3	18	8	8	3	18	8	6	3	18	0	2	3	18	8	2	3	18	8	2	3	18	0	1	3	18	0
Midshipman		2	8	0		2	8	0		2	8	0		2	8	0		2	8	0		2	8	0		2	8	0		2	8	0		2	8	0		2	8	0
Master's assistant	6	3	11	0	6	3	11	0	6	3	11	0	4	3	11	0	4	3	11	0	4	3	11	0	2	3	11	0	2	3	11	0	2	3	11	0	2	3	11	0
Schoolmaster	1	4	14	0	1	4	6	4	1	4	6	4	1	3	18	8	1	3	11	0	1	3	11	0																
Clerk	1	4	14	0	1	4	6	4	1	4	6	4	1	3	18	8	1	3	11	0	1	3	11	0																
Master-at-arms	1	2	12	0	1	2	10	0	1	2	8	0	1	2	6	0	1	2	4	0	1	2	2	0	1	3	11	0	1	3	11	0	1	3	11	0	1	3	11	0
Admiral's coxswain	-	as above																																						
Ship's corporal	2	2 12 6			2	2 10 0			2	2 8 0			2	2 6 0			2	2 4 0			2	2 2 0			2	2 1 0			2	2 1 0			2	2 1 0						
Captain's coxswain	1				1				1				1				1				1				1				1				1							
Quartermaster	12				12				9				6				5				3				1				1				1							
Gunner's mate	5				4				3				2				2				2				3				2				2				1	1 17 0		
Boatswain's mate	8				7				6				4				3				2				2				2				1				1			
Captain of forecastle	3				3				3				2				2				2				2				2				1				1			
Captain of the hold	1				1				1				1				1				1				2				1				1				1			
Coxswain of the launch	1				1				1				1				1				1																			
Ship's cook	1	2 13 6			1	2 13 6			1	2 13 6			1	2 13 6			1	2 13 6			1	2 12 6			1	2 12 6			1	2 12 6			1	2 12 6			1	2 12 6		
Sail maker	1				1				1				1				1				1				1				1				1				1	2 1 0		
Rope maker	1				1				1				1				1				1				1				1				1				1			
Carpenter's mate, with 7s. per mensem additional for tools in every rate	2	2 12 0			2	2 10 0			2	2 8 0			2	2 6 0			2	2 4 0			2	2 2 0				2 1 0				2 1 0				2 1 0						
Caulker	1				1				1				1				2				1				1				1				1							
Armourer	1				1				1				1				1				1				1				1											
Captain of the maintop	3				3				3				2				1				1				1				1											
Captain of the foretop	3				3				3				2				2				2				2				1	1 16 0										
Captain of the mast	3				3				3				2				2				2				2				1											
Captain of the after-guard	3	2 1 0			3	2 0 0			3	1 19 0			2	1 18 0			2	1 17 0			2	1 16 0			1	1 16 0			1											
Yeoman of signals	1				1				1				1				1																							
Coxswain of the pinnace	1				1				1																															
Sailmaker's mate	1				1				1				1				1				1																			
Caulker's mate	1				1				1				1				1																							
Armourer's mate	2	2 6 0			2	2 5 0			2	2 3 0			1	2 1 0			1	1 19 0			1	1 17 0			1	1 17 0			1	1 17 0										
Cooper	1				1				1				1				1				1				1				1											
Volunteer of the first class	8	1	2	0	7	1	2	0	6	1	2	0	4	1	2	0	4	1	2	0	3	1	2	0	3	1	2	0	2	1	2	0	1	1	2	0	1	1	2	0
Volunteer of the second class	4	1	12	0	4	1	12	0	4	1	12	0	3	1	12	0	3	1	12	3	2	1	12	0	2	1	12	0	2	1	12	0	1	1	12	0	1	1	12	0

First Class Petty Officers.

Second Class Petty Officers.

	No.	L. s. d.	No.	L. s. d.	No.	L. s. d.	No.	L. s. d.	No.	L. s. d.	No.	L. s. d.	No.	L. s. d.	No.	L. s. d.	No.	L. s. d.	No.	L. s. d.	No.	L. s. d.
Gunner's crew	25	- -	22	- -	20	- -	13	- -	10	- -	8	- -	6	- -	4	- -	1	1 16 0	2	1 16 0
Carpenter's crew, with 7s. per mensem additional for tools, in every rate	18	1 16 0	16	1 16 0	14	1 16 0	12	1 16 0	8	1 16 0	6	1 16 0	4	1 16 0	2	1 16 0						
Sailmaker's crew	2	- -	2	- -	2	- -	2	- -	1	- -	1	- -	1	- -	1	- -						
Cooper's crew	2	- -	2	- -	2	- -	2	- -	1	- -	1	- -	1	- -	1	- -						
Able seamen	-	1 14 0 - in all rates																				
Yeomen of store-room																						
Ordinary seaman																						
Cook's mate	-	1 6 0 - in all rates																				
Barber																						
Purser's steward in vessels in which a purser is allowed																						
Captain's steward	-	1 14 0 - in all rates																				
Captain's cook																						
Ward or gun room steward																						
Ward or gun room cook																						
Steward's mate	-	1 3 0 - in all rates																				
Landman																						
Boy first class	13	0	12	0 14 3	10	0 14 3	7	0 14 3	6	0 14 3	5	0 14 3	4	0 14 3	2	0 14 3	-	- - -	1	0 14 3
Boy second class	18	0 12 9	17	0 12 9	16	0 12 9	11	0 12 9	10	0 12 9	9	0 12 9	6	0 12 9	2	0 12 9	5	0 12 9	2	0 12 9
									3	1 14 0	2	1 14 0	1	1 14 0	1	1 14 0	1	1 14 0		
Total	211	- -	194	- -	174	- -	131	- -	111	- -	91	- -	68	- -	50	- -	37	- -	21	

The numbers included in these ratings are in

		L. s. d.
First rates	1st Class	529
	2d Class	479
	3d Class	429
Second rates	1st Class	356
	2d Class	306
Third rates	1st Class	351
	2d Class	301
Fourth rates	1st Class	259
	2d Class	159
Fifth rates	1st Class	139
	2d Class	119
Sixth rates	1st Class	59
	2d Class	29
	3d Class	9
Sloops	1st Class	47
	2d Class	37
	3d Class	33
	4th Class	13
Bombs		16
Brigs, &c.	1st Class	27
	2d Class	17

Making the total war complement of

	L. s. d.
	900
	850
	800
	700
	650
	650
	600
	450
	350
	300
	280
	175
	145
	125
	135
	125
	95
	75
	67
	60
	50

ROYAL MARINES.*

	No.	L. s. d.	No.	L. s. d.	No.	L. s. d.	No.	L. s. d.	No.	L. s. d.	No.	L. s. d.	No.	L. s. d.	No.	L. s. d.	No.	L. s. d.	No.	L. s. d.	No.	L. s. d.
Captain	1	14 14 0	1	14 14 0	1	14 14 0	1	14 14 0	-	-	-	-	-	-	-	-	-	15 8 0		
— if brevet major		17 10 0		17 10 0		17 10 0		17 10 0										18 4 0		
First lieutenant																						
— after 7 years		10 10 0		10 10 0		10 10 0		10 10 0		10 10 0		10 10 0					1	10 19 4		
— under 7 years	3	9 1 0	3	9 2 0	2	9 2 0	1	9 2 0	2	9 2 0	1	9 2 0						9 11 4		
Second lieutenant		7 7 0		7 7 0		7 7 0		7 7 0		7 7 0		7 7 0						7 16 4		
Serjeant	4	2 0 1	3	2 0 1	3	2 0 1	2	2 0 1	2	2 0 1	1	2 0 1	1	2 0 1	1	2 0 1	1	2 12 8	1	2 0 1
— if colour serjeant		2 14 1		2 14 1		2 14 1		2 14 1		2 14 1		2 14 1		2 14 1		2 14 1		3 6 8		2 14 0
Corporal																						
— after 14 years		1 12 1		1 12 1		1 12 1		1 12 1		1 12 1		1 12 1		1 12 1		1 12 1		2 8 0		1 12 1
— from 7 to 14 years (if enlisted prior to 24th January, 1823)	4	1 9 9	3	1 9 9	3	1 9 9	2	1 9 9	1	1 9 9	1	1 9 9	1	1 9 9	1	1 9 9	1	2 5 8	1	1 9 9
— all others		1 7 5		1 7 5		1 7 5		1 7 5		1 7 5		1 7 5		1 7 5		1 7 5		2 3 4		1 7 5
Drummer	2	1 3 4	2	1 3 4	2	1 3 4	1	1 3 4	1	1 3 4	-	1 3 4	1	1 3 4	-	- - -	-	1 5 8		
Bombardier																						
— after 14 years																		2 4 0		
— from 7 to 14 years (if enlisted prior to 24th January, 1823)	-	- - -	-	- - -	-	- - -	-	- - -	-	- - -	-	- - -	-	- - -	-	- - -	1	2 1 8		
— all others																		1 19 4		
Private or gunner																						
— after 14 years		1 4 1		1 4 1		1 4 1		1 4 1		1 4 1		1 4 1		1 4 1		1 4 1		1 8 10		1 4 1
— from 7 to 14 years (if enlisted prior to 24th January, 1823)	146	1 1 9	138	1 1 9	114	1 1 9	53	1 1 9	44	1 1 9	21	1 1 9	17	1 1 9	10	1 1 9	10	1 6 6	10	1 1 9
— all others		0 19 5		0 19 5		0 19 5		0 19 5		0 12 5		0 19 5		0 19 5		0 19 5		1 4 2		0 19 5
Total marines	160	- -	150	- -	125	- -	60	- -	50	- -	25	- -	20	- -	12	- -	14	- -	12	

* The pay under the head of Bombs is that of the Marine Artillery, and is what they are to receive when embarked in any ship.

Half pay of officers. — This is as follows: —

Rates of Half Pay for the Navy and Marines.

	Per Diem. L.	s.	d.
Flag Officers.			
Admirals of the Fleet	3	3	0
Admirals	2	2	0
Vice Admirals	1	12	6
Rear Admirals	1	5	0
Captains.			
To each of the first 100 as they stand on the general list of officers in seniority	0	14	6
To each of the next 150	0	12	6
To the rest	0	10	6
Commanders.			
To each of the first 150 on the list	0	10	0
To the remainder	0	8	6
Lieutenants.			
To each of the first 300 on the list	0	7	0
To each of the next 700	0	6	0
To the remainder	0	5	0
Royal Marines.			
Colonels	0	14	6
Lieutenant Colonels	0	11	0
Majors	0	9	6
Captains	0	7	0
First Lieutenants of seven years' standing	0	4	6
The rest	0	4	0
Second Lieutenants	0	3	0
Masters.			
To the first 100 on the list (being qualified for first or second rates)	0	7	0
Masters — (continued.)			
To the next 200 (being qualified for third or fourth rates	0	6	0
The remainder having served five years in the navy, two of which as acting or second master, or as master's mate or midshipman	0	5	0
Medical Officers.			
Physicians — After ten years' service	1	1	0
three years'	0	15	0
Under that time	0	10	6
Surgeons.			
Six years' service	0	6	0
Under that time	0	5	0
Assistant Surgeons.			
Three years' service	0	3	0
Two years'	0	2	0
Dispensers	0	5	0
Chaplains.			
After eight years' service at sea, or ten in harbour	0	5	0
For each year's longer service than eight at sea or ten in harbour, 6*d.* per diem additional till it reach	0	10	0
Pursers.			
To the first 100 on the list	0	5	0
next 200 —	0	4	0
The remainder	0	3	0
Payable Quarterly.			

The number of the officers who participated in this half-pay, and the gross sums assigned to each class in 1835–36, were as under: —

DESCRIPTION.	Number.	Half Pay. L.
Commissioned officers, masters, and chaplains	4,285	610,720
Medical officers	653	70,682
Pursers	495	33,379
Marine officers	418	35,140
Retired naval officers	326	53,846
Retired marine officers	74	15,336
Totals	6,251	819,103

The widows of officers are also entitled to the following pensions: —

	Per ann. L.
Flag Officer of her Majesty's fleet	120
Superannuated rear admiral	100
Captain of three years' standing	90
Captain under three years' standing	80
Commander	70
Superannuated Commander	60
Physician of a hospital, or of the fleet	60
Lieutenant	50
Master	40
Chaplain	40
Surgeon	40
Purser	40
Assistant-surgeon	36

The widows of boatswains, gunners, and carpenters of the royal navy, and masters of naval vessels warranted by the navy board, appointed prior to the 30th of June, 1830, will, if otherwise qualified, be entitled to pensions of 25*l.*: but no widow of any of the above-named warrant officers, who shall have been warranted after that date, shall have any claim whatever to a pension.

Half pay and pensions of petty officers and men. — None but the officers mentioned above are entitled to half pay. Boatswains, gunners, carpenters, &c., on their ships being paid off, are put on what is called "ordinary pay," which is about two thirds of sea pay. In the navy, as in the army, provision has been made for such seamen and marines as have been disabled in service. Thus all petty officers, and all seamen and marines discharged the service for wounds received *in action*, are entitled to annual pensions, varying according to the rank of the party and the severity of the wound. Able seamen and marines discharged under 14 years' service, in consequence of sickness or disability contracted in the service, are not, of right, entitled to pensions; but such may be awarded them, should the Admiralty think it expedient. Able seamen and marines who have served at least 14 years, and are discharged in consequence of sickness or disability contracted in the service, or for accidental hurts or wounds received in it, are entitled, if they be otherwise deserving objects of relief, to certain pensions; and pensions are also given to

all seamen and marines discharged after 21 years' service, *for any cause* other than misconduct.

N. B.—The conditions under which these pensions are granted, and their amounts, are set forth in an order in council, dated 24th of August, 1831, which may be seen in the Navy List.

Pensioners are divided into the two great classes of *in* and *out* pensioners of Greenwich Hospital. This magnificent building, formerly a royal palace, was appropriated in the reign of William III. to its present purpose of serving as an asylum for seamen "who, by age, wounds, or other accidents," have become unfit for further service. The building has since been greatly enlarged and improved; and is now the finest, in an architectural point of view, in the neighbourhood of the metropolis. The *in*-pensioners live in the hospital; the revenues of which are derived from various sources, but principally from the forfeited estates of the Earl of Derwentwater, and from a contribution of 6*d.* a month deducted from the pay of all seamen employed in her Majesty's service. Merchant seamen were obliged, until lately, to make a similar contribution; but this having been much objected to, has been given up. The number of in-pensioners on the establishment amounted, in 1830, to 2,710, and has not, we believe, materially varied in the interval. The revenue of the hospital being all required for the support of the establishment and of the in-pensioners; the out-pensioners are provided for by an annual parliamentary grant. This amounted in 1835-36 to 245,000*l.*; and supposing that each pensioner receives, at an average, 11*l.* a year, this would give a total of 22,272.

Health of Seamen.—The most laudable attention is paid in the navy, not to the discipline merely, but also to the health and comfort, of the men. They are liberally supplied with provisions and grog; and are much less exposed to fatigue, privations, and the risk of shipwreck, than the crews of merchant ships. Formerly the crews of all ships bound on long voyages, or which could not be regularly supplied with fresh provisions, were liable to suffer dreadfully from the scurvy. But this disease can no longer be said to exist in the navy. That the use of citric acid or lemon-juice was a specific against the attacks of this disease, had been ascertained so early as 1600; but the experiment made little impression at the time, and was forgotten till public attention was again called to it, in 1757, by the justly celebrated Dr. Lind. At length, after successive experiments had demonstrated its efficacy, it was ordered, in 1795, that no ship should be allowed to sail on a long voyage without an ample supply of lemon juice, an allowance of which is regularly served out to the men. Since this period, scurvy may be said to be almost banished from the list of diseases incident to seafaring men. In proof of the efficacy of this specific, we may mention that during the blockade of Brest by Lord St. Vincent, from the 27th of May to the 26th of December, 1800, only 16 out of the 16,000 men in the fleet under his lordship's command were sent to the hospital during this whole period, though they had only ordinary ships' provisions.—(Art. NAVY, *Supp. to Ency. Britannica.*)

"From the official returns," says Sir John Barrow, "collected by Sir Gilbert Blane, M. Dupin, a French author, well versed in naval

subjects, has drawn out the following table, which exhibits, at one view, the progressive diminution of sickness, death, and desertion, in the British navy, calculated on 100,000 men: —

Years	Sent sick to Hospital.	Deaths.	Desertions.
1779	40,815	2,654	1,424
1782	31,617	2,222	993
1794	25,027	1,164	662
1804	11,978	1,606	214
1813	9,336	698	10

"Hence it would appear that the diminution of sick and of deaths has been in the proportion of 4 to 1 nearly, between the years 1779 and 1813. The diminution of desertions from the hospital in the same period is not less remarkable; and it affords, at the same time, the strongest proof of the progressive amelioration of the condition of seamen on board British ships of war. Indeed, whether on board ship, or in any of these noble institutions, the naval hospitals, which are established at all the principal ports at home, and in the colonies abroad, the attention that is paid to the sick sailor is above all praise. The seamen are sensible of this, and nothing keeps them back from volunteering their services, and from giving a preference to a king's ship over a merchantman, but the temptation of high wages offered by the latter in time of war, and that love of liberty and free scope for roving which are characteristic of seamen."—(Art. NAVY, *Supp. to Ency. Britannica.*)

CHAPTER IV. — CRIMES, PUNISHMENTS, AND PRISONS.

I. *Crimes and Punishments.* — Blackstone, in his Commentaries, divides offences against the laws of England into five classes. 1. Those which affect God and religion; 2. Such as violate or transgress the law of nations; 3. Such as more especially affect the sovereign power of the state, or the king and his government; 4. Such as more directly infringe the rights of the public; and, 5. Such as infringe the rights of private individuals.

1. The offences in the first class are now but few. In the progress of civilisation, attempts to enforce systems and rules of faith by penal statutes have been gradually disused, and an almost universal toleration, or rather freedom, exists as to religious matters. Blasphemy, however, or the denying the being or providence of the Almighty, as well as profane scoffing at the Holy Scriptures by exposing them to contempt and ridicule, continue to be offences punishable by fine and imprisonment, as is the reviling the ordinances of the established Church. Simony, or the corrupt presentation of any one to an ecclesiastical benefice for gift or reward, Sabbath-breaking, drunkenness, &c., also rank among offences of this class.

2. Offences against the law of nations, so far as they are recognised by the English law, are, (1.) Violations of safe conducts; (2.) The infringement of the rights of ambassadors; and, (3.) Piracy. The first two offences are of such rare occurrence, that it is unnecessary to notice them. Piracy, if committed by a subject, was held by the

common law to be a species of treason, as being contrary to his natural allegiance; and if committed by an alien, felony; but, by the statute of treason, 25 Ed. III. c. 2., it was made felony in the case of a subject. Formerly this offence was cognisable by the Admiralty Court; but as it proceeds by the rules of the civil law without the intervention of a jury, the trial of piratical offences has been transferred to the ordinary criminal courts.

The offence of piracy by the common law consists in committing those acts of robbery and depredation on the high seas, which, if committed upon land, would amount to felony. By statute, some other offences are made piracy also, as by 11 & 12 Wm. III. c. 7., 8 Geo. I. c. 24., 18 Geo. II. c. 30., any natural-born subject or denizen, who in time of war shall commit hostilities at sea against any of his fellow subjects, or assist any enemy on that element, any commander or other sea-faring person betraying his trust and running away with any ship, ordnance, ammunition, &c., or delivering them to a pirate, or aiding and abetting those who do, or trading with known pirates, or in any wise confederating or corresponding with them, are liable to be classed with and convicted as pirates. The punishments to be inflicted on this description of criminals have been regulated and defined by the stat. 1 Victoria, c. 88.

3. The next species of crimes consists of those which affect the supreme executive power, or the king and his government. These may be distinguished into three kinds. (1.) Treason; (2.) Felonies injurious to the king's prerogative; and, (3.) Other misprisions and contempts not amounting to treason. The offence of treason, as defined by 25 Ed. III. stat. 15., extends not merely to the compassing the death of the king, but also of his queen, or their eldest son and heir; the violating the king's consort, or the king's eldest daughter unmarried, or the consort of the king's eldest son and heir; the levying war against the king in his realm, or being adherent to the king's enemies in his realm, or giving them aid. The act further declares it to be treason for a man to counterfeit the king's great or privy seal, or his money, or to bring false money into the realm, as also to slay the chancellor, or the king's justices, being in their places, or doing their offices. Many other offences have since been made treason by various statutes. These are principally such as are directed against maintaining the Papal jurisdiction in this realm; falsifying the coin, or royal signatures; and such as are created for the security of the Protestant succession in the House of Hanover. The punishment for this offence is capital; and may, by the 54th Geo. III. c. 146., be carried into execution at the option of the Crown, either by hanging or beheading.

The second species of crimes of this class, or felonies injurious to the king's prerogative, comprises offences relating to the coin not amounting to treason; offences against the king's council; the offence of serving a foreign prince; of embezzling or destroying the king's armour, or stores of war; and of deserting from the king's armies in time of war. Felonies originally comprised, as the reader is perhaps aware, all crimes punishable by forfeiture, and were for the most part capital. But felonies are now punishable either by death, or in the particular manner prescribed by the statute relating thereto, the number of capital felonies having, of late years, been much reduced.

The third species of offences, more immediately against the king and government, are entitled misprisons and contempts.

Misprisions (a term derived from the old French, *mespris*, a neglect or contempt) are, in the acceptation of our law, generally understood to be all such high offences as approach to, but are under, the degree of capital. They are generally divided into two sorts; negative, which consist in the concealment of something which ought to be revealed; and positive, which consist in the commission of something which ought not to be done.

Of the first kind are misprisions of treason or felony; the punishment for the first of which is loss of the profits of lands during life, forfeiture of goods, and imprisonment for life. The punishment of the latter is, in a public officer, imprisonment for a year and a day; in a common person, imprisonment for a less period; and in both, fine and ransom at the king's pleasure.

Misprisions which are positive are generally denominated contempts or high misdemeanors: among these are to be classed all such high state offences as are usually made the subject of impeachment, and of which the punishment falls short of death. Disobeying the king's writs or summons, speaking or writing against the king's person or government, or doing any thing that may lessen him in the esteem of his subjects; the denying his right to the crown, &c., are offences of this class, and punishable by fine and imprisonment. Striking in the king's palace and courts of justice is also a high contempt; and is, in the latter case, punishable by fine and imprisonment, and the loss of the offending limb. This offence also includes injurious treatment to such as are under the protection of a court of justice, which is punishable in the like manner.

4. The next class of offences includes those which infringe the rights of the public. The principal of these are offences against public justice, public peace, public trade, public health, and the public police or economy. Offences against public justice are the embezzling, vacating, or falsifying the records in a court of justice, which are felonies; obstructing executions of process, aiding a prisoner in effecting his escape, receiving stolen goods, stirring up quarrels, compounding informations, conspiracies, perjuries, &c., which in general are punishable by fine and imprisonment, and in some cases by transportation.

Offences against the public peace are principally riots, unlawful assemblies, affrays, riding or going armed to the terror of his majesty's subjects, challenges, libels, &c., which, like the former, are punishable by fine and imprisonment; some offences of this class, indeed, as the riotous assembly of twelve persons or more, and not dispersing upon proclamation, sending threatening letters, demanding money, or threatening to kill any of his majesty's subjects, pulling down or destroying any locks, sluices, or flood-gates, erected by authority of parliament on a navigable river, destroying any turnpike-gates, &c., are made felonies by Act of Parliament; and in some cases are capital, but in general are punishable by transportation.

Of offences against public trade, the principal is smuggling, which, unless force be resorted to, is punishable by fine, or in the case of a seafaring person, by compulsory service in the navy; but all forcible

acts of smuggling are punishable by transportation or imprisonment. The other offences of this class are in general misdemeanors only, and punishable as such by fine and imprisonment. The principal are, usury, frauds, &c. The offences, if so we may call them, of forestalling and engrossing, were formerly prohibited by several statutes under severe penalties. These, however, were repealed in 1772. But the offences still continue to be punishable at common law by fine and imprisonment. The last conviction on a charge of this sort took place during the scarcity of 1800; and it is difficult to suppose that any jury would now be found to convict any one accused of such practices. The last class of the offences we are now speaking of, consist of those against the public health, and the public peace or economy. Under this head may be ranked the infringement of the regulations as to quarantine, selling unwholesome provisions, common nuisances, such as obstructing highways, keeping disorderly houses, &c., most of which offences are punishable by fine, and, in some, sureties are required to be given that the offence shall not be repeated.

5. The last class of offences are those which affect the rights of private individuals, being principally directed against their persons, their habitations, and their property. Of the crimes injurious to their persons, the highest is murder, or the unlawfully killing any reasonable creature with malice aforethought. In all civilised countries it is punishable by death. Mayhem*, rape, forcible abduction, and unnatural crimes, are also punished capitally. The inferior offences of this class are manslaughter, homicide, assaults, batteries, woundings, false imprisonments, and kidnapping; these being, for the most part, punishable by fine and imprisonment.

The offences which more immediately affect the habitations of individuals are arson and burglary. The first consists in maliciously setting fire to a dwelling-house, or to any out-houses connected with one, though not parcel thereof, as stables, barns, &c. This crime, we are sorry to say, has increased very much of late years. It has principally prevailed in the agricultural districts, especially in the south of England; and seems to have grown out of a hostile state of feeling between the farmers and labourers, occasioned partly, and principally, perhaps, by the abuses that have originated in the mal-administration of parochial affairs, and of the poor laws. But to whatever causes it may be owing, it is a crime of the most dangerous character, being very difficult to guard against, involving frequently the extensive destruction, not merely of property but of life, and, consequently, affording the greatest scope for the gratification of the malignant propensities. The removal of the causes in which it appears to have originated, and the diffusion of really useful education among the rural population, are the only means, perhaps, to be looked to for the complete eradication of this detestable crime. In the mean time it is properly punished with great severity, on the principle laid down by Cicero, that *ea sunt animadvertenda peccata maxime, quæ difficillime*

* Mayhem is the violently depriving another of such of his members as may render him the less able in fighting, either to defend himself or to annoy his enemy. —(*Blackstone*, book iv. cap. 15.)

præcaventur. (*Oratio pro Sexto Roscio*, § 40.) The Act 1 Victoria, c. 89. makes the malicious setting on fire of any dwelling-house, any person being therein, a felony, punishable by death; and the malicious setting on fire of offices, shops, ricks, &c., is a felony, punishable at the discretion of the Court, by transportation for life, or for not less than fifteen years, or by imprisonment for any term not exceeding three years.

Burglary (called in Scotland *hame sucken*, as it anciently was in England) consists in breaking forcibly into a dwelling-house in the night, with intent to steal. At common law it is a capital offence; but, unless violence be used, the punishment is transportation or imprisonment (1 Victoria, c. 86.).

The remaining species of offences of this class are those more immediately affecting private property. These are, larceny, malicious mischief, and forgery. The first, indeed, constitutes by far the greater proportion of offences at the present day. Offences attended with personal violence are always found to diminish as civilisation advances. The commissioners appointed to inquire into the state of the police of the metropolis, in their report made in 1819, state, that from returns laid before them, it appeared that in the thirty years from 1755 to 1784, the whole number of convictions for murder in London and Middlesex amounted to 71. In the thirty years between 1784 and 1814, to 60. In the years 1815, 1816, and 1817, they amounted to 9; and in the three years immediately preceding 1814, to 14; and it is material to observe that the diminution is a good deal greater than appears from this statement, inasmuch as the population of the metropolis about doubled in the interval between 1755 and 1817. The offence of larceny is of two kinds: (1.) Simple larceny; and, (2.) Mixed or compound larceny. Simple larceny is plain theft, unaccompanied by any other atrocious circumstances. The latter includes in it the aggravation of taking from the house or person. Formerly this offence was designated either grand or petit larceny, according to the value of the thing stolen; the former being the technical description, if the value exceeded, 12*d.*; the latter, where it did not amount to that sum. By the recent statute, however, 7 & 8 Geo. IV. c. 29., the distinction between the two has been abolished; and every larceny, whatever be the value of the property stolen, is made subject to the same incidents as grand larceny. By the ancient Saxon law, theft was nominally punished with death, where the property stolen was above the value of 12*d.*; but the criminal was permitted to redeem his life by a pecuniary ransom. In the 9th Hen. I. this power of redemption was taken away, and all persons guilty of larceny above 12*d.* were directed to be hanged; and grand larceny, or stealing above 12*d.*, continued, notwithstanding the representations of many learned and able men against such severity, to be liable to the punishment of death until the passing of the statute already mentioned. It has abolished the distinction between the two sorts of larceny, and every theft, whatever might be the value of the property stolen, which amounted only to simple larceny, was (except as otherwise provided by the act) made punishable by transportation or imprisonment, for any length of time not exceeding two years; and in the case of a male, to being once, twice, or thrice, publicly whipped in addition to

such imprisonment. Persons convicted of misdemeanors punishable under the act may be sentenced to imprisonment and hard labour in the common gaol, or house of correction, and may also, if thought proper, be kept in solitary confinement. Mixed, or compound larceny, is by the same act made liable to transportation for life, or a term of years not less than seven, at the discretion of the court.

Robbery, *i. e.* the forcibly taking away property from the person of another, if accompanied by cutting or wounding, is a capital offence (1 Vict. cap. 87.); if accompanied with violence merely, it is punishable by transportation or imprisonment; as are assaults with intent to rob, or the demanding money or property of any sort, if the demand be accompanied by threats or menaces.

Malicious mischief may be very shortly noticed. It consists in wantonly damaging another person's property, as arson does the setting another person's dwelling-house on fire, and is punishable under various statutes according to the nature of the offence, generally by transportation or imprisonment.

The remaining offence of this class is forgery, which *Blackstone* defines to be "the fraudulent making or alteration of a writing to the prejudice of another man's right." At common law this offence was punishable by fine, imprisonment, and the pillory; but by statutes passed at various times, and in particular since the Revolution (when paper credit was first established), forgeries were in general made subject to capital punishment, and so continued until the passing of the act already alluded to of the 7 & 8 G. 4., and of another, of the 2 & 3 of the late king, which substituted transportation for life, or years, in all cases, with the exception of forgeries of wills and powers of attorney for the transfer, or to receive the dividends, of any public stock, which offences continued to be punishable by death. But, by the 1st Victoria, cap. 84, the punishment of death for the forgery of wills, and powers of attorney to transfer stock, or receive dividends, is also abolished; the substitutes being transportation for life, or for any term not less than 7 years, or imprisonment, with or without hard labour, for a term not exceeding 4 years, nor less than 2.

The great number of crimes, which it will be seen from the preceding statements were subject to capital punishment, long rendered the English law obnoxious to the charge of being sanguinary. But, though formally recorded, the punishment of death was, in comparatively few instances, carried into execution; the royal mercy being in the majority of cases extended, at the suggestion of the judge who presided at the trial, to the criminal, whose sentence was commuted to transportation, or some less serious penalty. Still, however, the infliction of capital punishments, was much more frequent than was suitable to the spirit of the age; and the system was besides liable to many objections. It made the description of punishment by which offences were visited a matter of lottery rather than of any thing else, some being punished with disproportionate severity, while others escaped with a comparatively slight visitation. This uncertainty had a most unfavourable operation. Criminals, calculating upon the chances of getting off, even if convicted, with some mitigated punishment, were less indisposed to commit an offence than if the statutory

penalty for it had been milder and more rigidly enforced. Inasmuch, too, as individuals were every now and then left for execution for offences which, in the public estimation, did not deserve so severe a punishment, injured parties were not unfrequently disinclined to prosecute, and witnesses to give evidence; and juries sometimes went so far, in convicting for theft, as to find the culprit guilty only of stealing property below the value which enforced a capital punishment, though in point of fact, its real value might be a hundred or a thousand times that amount!

Perhaps, however, nothing did so much to excite the public feeling on the subject of capital punishments as the frequency of executions for forgery. After the country had become so very commercial, and especially after the almost universal substitution of bank notes for coins, that grew out of the restriction on cash payments, in 1797, the temptations to commit forgery were very greatly increased, and the crime became, in consequence, comparatively frequent. But, as it was justly reckoned an offence of a very serious description in a commercial country, it was punished with corresponding severity; so that few of those convicted of the crime escaped except under very peculiar circumstances, from undergoing the extreme penalty of the law. But this severity, and the number of executions to which it led, revolted, in the end, the feelings of the people. This led, in the first place, to a strong desire for the resumption of cash payments, and for the suppression of the 1*l.* notes of the Bank of England, the forgery of which was most frequent. But, though these measures, which were begun in 1821 and soon after completed, materially diminished the opportunities for, and the frequency of, forgery, it still continued to be far from uncommon; and the public being disgusted with the executions consequent upon it, the legislature resolved, as previously stated, to try the effect of a milder punishment.

Mr. Justice Blackstone, Sir Samuel Romilly, Sir James Mackintosh, and others have honourably distinguished themselves by their efforts to make the criminal law more in harmony with the spirit of the age, and better calculated to effect its purpose, by rendering it less bloody and less capricious. In consequence of their efforts various capital punishments were repealed; but it was not till the subject was taken up by Sir Robert Peel, then Secretary of State for the Home Department, that any very comprehensive reform was effected. Under his auspices, however, the statute previously alluded to of the 7 & 8 G. 4. was passed, which greatly diminished the number of capital offences; and the example thus set has since been vigorously followed up, and carried, perhaps, in some departments, to quite as great a length as it can be with safety to the public, if not farther.

The number of executions that took place for London and Middlesex, were:—

In the three years ending 31st Dec. 1830, 52.
1833, 12.
1836, none.

The number of commitments in the same periods for offences that were punished capitally in 1830, was:—

Three years ending 31st Dec. 1830, 960.
1833, 896.
1836, 828.

The *secondary punishments* which exist in this country are, for the most part, as our readers know, transportation, fine, and imprisonment. The colonies to which convicts are sent are New South Wales, Van Diemen's Land, and the Bermudas. In the first instance, convicts, destined for the colonies, are usually sent to the hulks, which lie at most of the naval arsenals, where they are employed on the public works in the dock-yards. Thence they are forwarded to their ultimate destination as occasion requires. In the colonies the convicts are subjected to different regulations, some being sent to what are called penal settlements, while the greater number are retained in the service of government, and distributed among the settlers. Their treatment is, in all cases, as far as practicable, proportioned to the nature of their offences, and to their conduct in the colony. At the expiration of their sentence, they may either return to this country, or remain in the colony. If they choose the latter alternative, they get a portion of land and a supply of tools. Very different opinions are entertained with respect to the effect of the discipline to which convicts in the colonies are subjected; and we do not know, notwithstanding the lengthened reports on the subjects, that any means exist for coming to any very positive conclusions with respect to it.

Returns of Crimes.—We have subjoined the official returns of the various offences committed for some years past, which will give some idea of the state of crime in the country. In many respects, however, these returns are not what could be wished for. Their arrangement, considered in a scientific point of view, has been much, and, we think, justly objected to. The object in making a table of offences should, as much as possible, be directed to the grouping or bringing together under the same head, of those that spring from the same motives, or from the indulgence of the same passion; inasmuch as the hopes of repressing crime must depend principally on the means of obviating or counteracting the causes in which it originates: but, in the tables below, this distinction is very imperfectly attended to. The most discordant crimes, to give only one example, are classed together under the first head, or that of "offences against the person." Premeditated murder, to gratify a malignant disposition, or to acquire property, murder committed in a sudden fit of anger, occasioned by some gross provocation, rapes with or without murder, assaults on peace-officers employed to quell a riotous assembly, or to detect or prevent some smuggling transactions, attempts to procure abortion, bigamy, child-stealing, and so forth, are all huddled together under this head, though the character of the crimes, and the motives which led to them, be as different as it is possible to imagine. The same is the case with the other divisions. The classification has been made to depend, in every instance, too much on the crime abstractly considered, or on the mode in which the vicious propensity was indulged, and too little on the circumstances in which it arose, or on the nature of the propensity that led to it. No doubt it is easier to point out a defect than to suggest a remedy; but the importance of the subject, and the countenance which the present classification gives to erroneous reasoning and to bad or defective systems of criminal legislation, require that

no means should be left untried to have offences classified on some more correct principle.

A most important return in the statistics of crime would be one showing the number of each class of offences committed, with the number of instances in which detection and punishment followed. In the country it might be difficult to procure a return of this sort; but in London, and other great towns, where the police have notice of almost all offences, one should think it might be procured sufficiently exact for most practical purposes.

We may further observe, that many false inferences have been drawn from comparing together returns as to the state of crime in different countries, and in the same country at different periods. Such returns are obviously good for nothing, except to deceive and mislead, unless the classification of offences in the countries and periods compared together were the same, and unless the police and the laws were similar, the former possessing nearly the same vigilance, and the latter being enforced with about the same precision. But it is needless to say that the greatest discrepancy obtains in all these particulars. The classification of offences is not the same in any two countries, and it is perpetually varying even in the same country. The greatest differences are, however, to be found in the state of the police, and the administration of criminal justice in different countries and periods. Were one to compare the returns of committals in a place without a police, with the returns from the same place after a police had been established, or the returns under an inefficient with those under an efficient police, there would, we doubt not, appear to be an extraordinary increase of crime; whereas the fair presumption is, that, instead of being increased, it is not a little diminished. The cause of the excess is obvious. It results entirely from the circumstance that many offences that formerly escaped all public notice, have latterly been brought under the cognizance of the tribunals; though it is, at the same time, abundantly certain that this greater vigilance must have materially diminished the real number of offences. Unless, therefore, we are well assured that the classification of crimes, the activity of the police, and the spirit of the tribunals are nearly the same in the countries and æras for which we have returns, little or nothing that is to be depended on can be learned from comparing them together. Much of that extraordinary increase of crime that is said to have taken place in Great Britain within the last twenty years, is, there is good reason to think, apparent only, and is mainly occasioned by the bringing of more crimes to light through the superior organisation of the police, and the more rigid enforcement of the law. During the war, and for some years after, the police was comparatively inefficient; and many offences that would now be visited by a pretty severe punishment, were passed over without any public notice, on the offender consenting to enter the army or navy. We do not, however, mean by this to say that there has been no increase of crime since 1815: offences against property have, no doubt, increased during that interval; but we doubt whether their real increase has materially exceeded that of the population; and whether all the excess be not ascribable to the circumstances now alluded to, that is, to the extension and greater vigilance of the police, and the stricter enforcement of the law.

I. Table showing the Number of Persons committed for Trial or bailed in England and Wales, in 1835, and the Result of the Proceedings.

Counties.	Total Number of Offenders.	Proportion of Offenders to the Population.	Calculated on the Census of 1831.	Centesimal Proportion of Males.	Centesimal Proportion of Females.	Convicted. Death.	Transportation. Life.	Transportation. 14 Years.	Transportation. 7 Years.	Transportation. Other Periods.	Imprisonment, with, in some cases, Whipping, Fine, &c. Above 5 Years.	3 Years and above 2 Years.	2 Years and above 1 Year.	1 Year and above 6 Mos.	6 Months and under.	Whipping.	Fine.	Discharge on Sureties.	Sentence remitted and Pardon.	Total.	Insane to be detained. Found Insane on Arraignment.	Acquitted, as being Insane.	Acquitted. Not Guilty on Trial.	No Bill found.	No Prosecution.	Total.	Execution of Capital Sentences, or Commutation of Pardon recommended by the Judge. Execution.	Commutation. Transported for Life.	Transported for 14 Years.	Transported for 7 Years.	Impd. 3 Years & above 2 Yrs.	Impd. 2 Years and above 1 Yr.	Impd. 1 Year & above 6 Mos.	Impd. 6 Mos. and under.	Free Pardon.
Bedford	173	1 in	552	90	10	8	6	12	10	-	-	-	3	11	82	-	7	-	-	141	-	1	22	9	-	31	-	5	-	-	3	-	-	-	-
Berks	189	—	769	92	8	15	11	2	21	-	-	-	2	11	71	-	1	-	-	134	-	1	38	14	2	54	-	13	-	1	-	1	-	-	-
Buckingham	222	—	660	91	9	7	11	4	8	-	-	-	1	11	115	-	-	-	-	157	-	-	43	21	1	65	-	5	-	2	-	-	-	-	-
Cambridge	211	—	682	92	8	9	14	8	23	-	-	-	-	19	79	-	3	1	-	156	-	-	33	17	5	55	-	5	-	-	-	-	4	-	-
Chester	533	—	627	85	14	18	6	16	55	-	-	1	17	56	231	-	4	7	-	411	-	1	85	23	13	121	-	12	1	-	1	3	1	-	-
Cornwall	206	—	1,461	85	15	1	9	6	14	-	-	-	4	14	73	2	15	4	2	144	-	-	49	13	-	62	1	-	-	-	-	-	-	-	-
Cumberland	100	—	1,697	79	21	2	2	-	15	-	-	-	4	21	40	-	-	2	-	86	-	-	10	4	-	14	1	-	-	1	-	-	-	-	-
Derby	175	—	1,355	89	11	4	18	1	23	-	-	-	-	19	58	-	1	1	-	125	-	-	36	11	3	50	-	3	1	-	-	-	-	-	-
Devon	518	—	955	74	26	6	26	15	48	-	-	1	2	30	191	2	4	1	-	326	-	1	143	47	1	191	-	3	-	-	-	-	1	2	-
Dorset	185	—	861	85	15	7	3	5	12	-	-	-	2	13	82	-	2	1	-	127	-	-	44	12	2	58	-	3	-	1	-	-	3	-	-
Durham	162	—	1,567	83	17	3	4	2	10	-	-	-	-	13	73	1	1	-	-	107	-	-	38	10	7	55	-	3	-	-	-	-	-	-	-
Essex	582	—	546	92	8	20	23	20	54	1	-	-	6	31	224	1	3	6	-	386	-	1	125	62	10	195	2	12	3	-	-	-	1	2	-
Gloucester	641	—	512	88	12	42	35	4	41	-	-	1	13	64	219	1	10	17	-	447	-	-	144	41	9	194	2	12	7	8	-	3	5	5	-
Bristol (City)	215	—	274	80	20	1	1	4	36	-	-	-	10	51	67	-	-	1	-	171	-	-	30	13	1	44	1	-	-	-	-	-	-	-	-
Hereford	139	—	800	81	19	3	6	4	8	-	-	-	1	12	57	-	4	-	-	94	-	-	21	16	5	45	-	1	1	-	-	-	1	-	-
Hertford	238	—	602	91	9	4	8	3	24	-	-	-	2	3	75	3	1	-	-	123	-	-	71	32	12	115	1	2	-	1	-	-	-	-	-
Huntingdon	67	—	794	90	10	-	2	2	2	-	-	-	3	6	22	-	1	-	1	39	-	-	20	7	1	28	-	-	-	-	-	-	-	-	-
Kent	894	—	536	86	14	10	19	27	113	-	-	-	19	67	350	1	10	7	-	623	1	1	188	69	12	269	1	4	1	1	-	-	-	2	1
Lancaster	2,654	—	503	76	24	18	47	126	285	-	-	-	35	273	1,325	-	22	11	-	2,142	2	2	335	66	107	508	3	11	-	2	-	-	-	2	-
Leicester	275	—	716	91	9	8	9	7	28	-	-	-	7	28	94	-	1	-	-	182	-	1	57	23	12	92	-	5	-	-	-	1	-	-	2
Lincoln	384	—	827	89	11	10	21	9	29	1	-	-	8	29	173	-	9	8	1	297	-	-	48	31	8	87	-	7	1	2	-	-	-	-	-
Middlesex (including London)	3,442	—	395	77	23	55	107	74	617	1	-	4	30	135	1,093	2	96	73	1	2,308	-	6	786	309	35	1,128	-	31	11	8	-	-	2	5	-
Monmouth	129	—	818	85	15	4	5	4	6	-	-	-	2	7	36	-	2	1	-	67	-	-	28	22	3	53	1	2	-	-	-	-	1	-	-
Norfolk	670	—	582	89	11	24	27	16	53	-	-	-	15	67	243	-	13	-	-	458	-	-	135	52	25	212	3	15	4	-	-	1	1	-	-
Northampton	151	—	1,188	89	11	8	7	7	13	-	-	-	6	11	60	-	5	-	-	117	-	-	22	10	2	34	-	1	7	-	-	-	-	-	-
Northumberland	127	—	1,755	75	25	2	6	4	22	-	-	-	5	9	45	-	-	-	-	93	-	-	27	5	2	34	-	2	-	-	-	-	-	-	-
Nottingham	349	—	646	86	14	9	18	15	44	-	-	-	3	50	129	-	8	1	-	277	-	-	48	21	3	72	-	5	4	-	-	-	-	-	-
Oxford	271	—	561	95	5	12	14	3	12	-	-	-	3	9	130	5	-	2	-	190	-	-	52	17	12	81	-	9	-	2	-	-	1	-	-
Rutland	15	—	1,292	80	20	-	-	-	-	-	-	-	-	4	8	-	1	-	-	13	-	-	1	1	-	2	-	-	-	-	-	-	-	-	-
Salop	206	—	1,802	89	11	9	15	8	15	-	-	1	4	10	67	-	-	-	1	130	-	-	40	29	7	76	-	6	-	2	-	1	-	-	-
Somerset	684	—	591	83	17	15	50	21	70	-	-	1	20	73	221	-	11	2	-	484	-	1	127	65	7	199	3	12	-	-	-	-	-	-	-
Southampton	440	—	714	86	14	18	21	8	26	-	-	-	3	29	183	5	7	4	-	304	-	1	86	36	13	135	2	16	-	-	-	-	-	-	-
Stafford	715	—	574	84	16	30	12	5	75	-	-	-	8	34	234	2	18	34	-	453	1	1	186	65	10	261	-	17	4	3	-	1	1	4	-
Suffolk	450	—	658	90	10	14	19	19	51	-	-	-	13	35	170	-	5	10	-	316	-	1	80	40	13	133	2	9	-	-	-	2	1	-	-
Surrey	1,007	—	483	82	18	22	29	31	127	-	-	-	8	38	385	-	26	9	-	675	-	1	228	95	8	331	2	13	1	3	-	-	1	-	2
Sussex	361	—	754	91	9	6	31	9	29	1	-	-	2	23	139	-	2	15	-	257	-	-	66	27	11	104	2	3	-	-	-	-	-	1	-
Warwick	756	—	445	84	16	29	35	13	81	-	-	-	8	56	334	22	10	1	-	589	-	-	117	47	3	167	2	9	2	6	-	1	9	-	-
Westmoreland	25	—	2,201	88	12	1	-	2	1	-	-	-	-	3	11	-	-	-	1	19	-	-	4	2	-	6	1	-	-	-	-	-	-	-	2
Wilts	335	—	717	89	11	20	19	3	32	-	-	-	3	18	125	-	13	2	-	235	-	-	69	20	11	100	2	16	1	-	-	-	-	1	-
Worcester	278	—	760	91	9	15	9	10	42	-	-	-	-	21	84	-	22	6	-	209	-	1	45	19	4	68	-	11	2	-	-	2	-	-	-
York	1,218	—	1,126	84	16	20	23	23	139	1	-	1	15	83	566	10	8	11	2	902	-	-	224	68	24	316	3	12	-	1	1	2	1	-	-
Anglesea	9	—	5,369	78	22	2	2	-	-	-	-	-	-	-	5	-	-	-	-	9	-	-	-	-	-	-	-	1	-	-	-	1	-	-	-
Brecon	21	—	2,274	76	24	1	1	-	2	-	-	1	-	4	8	-	-	-	-	17	-	-	1	3	-	4	-	1	-	-	-	-	-	-	-
Cardigan	15	—	4,318	87	13	-	-	-	1	-	-	-	2	1	3	-	-	1	-	8	-	-	3	-	4	7	-	-	-	-	-	-	-	-	-
Carmarthen	36	—	2,651	92	8	5	3	-	9	-	-	-	-	2	2	-	-	1	-	22	-	-	12	4	-	16	-	4	-	-	1	-	-	-	-
Carnarvon	30	—	2,215	93	7	-	-	-	3	-	-	-	-	1	10	-	1	1	2	18	-	-	7	4	1	12	-	-	-	-	-	-	-	-	-
Denbigh	50	—	1,673	94	6	1	1	-	1	-	-	-	2	1	22	1	1	1	-	31	-	-	11	6	2	19	-	-	1	-	-	-	-	-	-
Flint	12	—	5,001	92	8	-	-	-	-	-	-	-	-	3	6	-	1	-	-	10	-	-	-	2	-	2	-	-	-	-	-	-	-	-	-
Glamorgan	91	—	1,391	85	15	2	3	1	14	-	-	-	1	5	28	-	-	-	-	54	-	-	25	7	5	37	-	2	-	-	-	-	-	-	-
Merioneth	4	—	5,289	75	25	-	-	-	1	-	-	-	-	1	-	-	-	-	-	2	-	-	2	-	-	2	-	-	-	-	-	-	-	-	-
Montgomery	25	—	2,659	92	8	-	1	-	-	-	-	-	1	2	10	-	1	-	-	15	-	-	7	3	-	10	-	-	-	-	-	-	-	-	-
Pembroke	38	—	2,143	74	26	2	4	-	-	-	-	-	-	3	10	-	1	-	-	20	-	-	12	3	3	18	-	2	-	-	-	-	-	-	-
Radnor	15	—	1,643	67	33	1	2	1	-	-	-	-	-	3	3	-	-	-	-	10	-	-	4	1	-	5	-	-	-	-	-	-	1	-	-
	20,731	—	631	83	17	523	746	554	2,226	4	-	11	290	1,543	8,071	58	351	342	11	14,729	4	21	4,034	1,526	417	5,977	34	306	52	44	3	22	35	22	5

II. TABLE showing the Total Number of Persons committed for Trial or bailed, in England and Wales, in 1835, specifying the Nature of the Offences, and the Result of the Proceedings.

Offences.	Total Number of Offenders.	Convicted.															Insane to be detained.		Acquitted.				Execution of Capital Sentences, or Commutation of Pardon recommended by the Judge.								
			Transportation.				Imprisonment, with, in some cases, Whipping, Fine, &c.																	Commutation.							
		Death.	Life.	14 Years.	7 Years.	Other Periods.	Above 3 years.	3 Years and above 2 Years.	2 years and above 1 Year.	1 Year and above 6 Months.	6 Months and under.	Whipping.	Fine.	Discharge on Sureties.	Sentences respited and Pardon.	Total.	Found Insane on Arraignment.	Acquitted, as being Insane.	Not Guilty on Trial.	No Bill found.	No Prosecution.	Total.	Execution.	Transported for Life.	Transported for 14 Years.	Transported for 7 Years.	Imprisd. 3 Yrs. & above 2 Yrs.	Imprisd. 2 Yrs. & above 1 Year.	Imprisd. 1 Year & above 6 Mths.	Imprsd. 6 Mths. and under.	Free Pardon.
No. 1. *Offences against the Person.*																															
Murder	78	24	-	-	-	-	-	-	-	-	-	-	-	-	1	25	2	8	28	12	3	43	21	3							
Shooting at, stabbing, administering poison, &c., with intent to murder, maim, &c.	134	60	-	-	-	-	-	-	-	-	-	-	-	-	-	60	-	3	52	16	3	71	2	31	4	11	-	3	5	4	
Manslaughter	189	-	10	1	6	-	-	-	2	11	39	-	3	-	-	72	-	-	106	11	-	117									
Attempts to procure the miscarriage of women quick with child	2	1	-	-	-	-	-	-	-	-	-	-	-	-	-	1	-	-	-	-	1	1	-	1							
Ditto, of women not quick with child	3	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	3	-	-	3									
Concealing the births of infants	37	-	-	-	-	-	-	-	2	3	15	-	-	-	-	20	-	-	9	7	1	17									
Sodomy	18	6	-	-	-	-	-	-	-	-	-	-	-	-	-	6	-	-	6	6	-	12	3	3							
assaults with intent to commit, and other unnatural misdemeanors	61	-	-	-	-	-	-	1	13	9	6	-	-	-	-	29	-	-	9	16	7	32									
Rape, and carnally abusing girls under the age of ten years	36	4	-	-	-	-	-	-	-	-	-	-	-	-	-	4	-	1	30	17	4	51	-	4							
Assaults, with intent to ravish and carnally abuse	131	-	-	-	-	-	-	1	36	27	18	-	-	-	-	82	-	-	31	13	5	49									
Carnally abusing girls between the age of ten and twelve years	5	-	-	-	-	-	-	-	1	2	-	-	-	-	-	3	-	-	2	-	-	2									
Abduction	2	-	-	-	-	-	-	-	-	-	1	-	-	-	-	1	-	-	1	-	-	1									
Bigamy	34	-	-	-	6	-	-	-	3	6	10	-	-	-	-	25	-	-	7	2	-	9									
Child stealing	1	-	-	-	1	-	-	-	-	-	-	-	-	-	-	1															
Assaults	844	-	-	-	-	-	-	-	4	37	299	-	153	85	-	540	1	-	268	51	4	303									
on peace officers in the execution of their duty	421	-	-	-	-	-	-	1	2	40	244	-	19	19	-	325	-	-	65	9	22	96									
Totals of No. 1.	2,016	95	10	1	13	-	-	3	63	135	622	-	177	74	1	1,194	3	12	617	140	50	807	26	42	4	11	-	3	5	4	
No. 2. *Offences against Property, committed with Violence.*																															
Sacrilege	9	8	-	-	-	-	-	-	-	-	-	-	-	-	-	8	-	-	1	-	-	1	-	4	1	1	-	-	2		
Burglary	281	193	-	-	-	-	-	-	-	-	1	-	-	-	-	194	-	-	59	21	7	87	1	180	19	14	2	9	11	6	1
Housebreaking	381	-	96	70	76	-	-	1	10	45	4	-	-	-	2	304	-	1	52	120	4	76									
Breaking, within the curtilage of dwelling houses, and stealing	88	-	11	13	19	-	-	-	-	6	16	-	-	-	-	65	-	-	11	10	2	23									
Breaking into shops, warehouses, and counting-houses, and stealing	123	-	15	22	33	-	-	-	3	11	19	-	-	-	-	103	-	-	15	3	2	20									
Misdemeanors, with intent to commit the above offences	24	-	-	-	-	-	-	-	6	7	6	-	-	-	-	19	-	-	3	2	-	5									
Robbery	378	302	-	-	-	-	-	-	-	-	-	-	-	-	-	202	-	-	142	24	10	176	-	127	28	16	-	7	13	7	4
Assaults, with intent to rob, and demanding property with menaces	63	-	6	4	12	-	-	-	3	7	5	-	-	-	-	37	-	-	25	1	-	26									
Stealing in dwelling houses, persons therein being put in fear	1	1	-	-	-	-	-	-	-	-	-	-	-	-	-	1	-	-	-	-	-	-	-	-	-	-	1				
Sending menacing letters to extort money	4	-	-	-	1	-	-	-	-	-	-	-	-	-	-	1	-	-	2	1	-	3									
Piracy	2	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	2	-	-	2									
Totals of No. 2.	1,354	504	128	109	141	-	-	1	22	76	51	-	-	-	2	934	-	1	312	82	25	419	1	261	48	31	3	16	26	13	5
No. 3. *Offences against Property, committed without Violence.*																															
Cattle stealing	40	-	25	-	-	-	-	-	-	-	-	-	-	-	-	25	-	-	13	2	-	15									
Horse stealing	163	-	120	-	-	-	-	-	-	-	-	-	-	-	-	120	-	1	28	14	-	42									
Sheep stealing	221	-	173	-	-	-	-	-	-	-	-	-	-	-	-	173	-	-	35	11	2	48									

Larceny, to the value of 5l. in dwelling houses	186	-	155	3	5	-	-	-	-	-	*1	-	-	-	-	144	-	-	31	11	-	42										
from the person	1,634	-	42	94	362	1	-	-	12	102	430	3	2	1	-	1,049	-	-	300	167	18	485										
by servants	871	-	1	27	102	-	-	2	12	75	454	1	8	-	-	682	-	-	131	54	4	189										
simple	11,034	-	61	233	1,511	-	-	2	75	782	5,073	54	15	1	2	8,309	1	3	1,699	863	159	2,721										
Stealing from vessels in port, on a river, &c.	46	-	-	4	8	-	-	-	1	3	22	-	-	-	-	33	-	-	5	3	-	8										
Stealing fixtures, trees, and shrubs growing, &c.	93	-	1	4	15	-	-	-	1	14	42	-	-	1	-	78	-	-	10	4	1	15										
Misdemeanors, with intent to steal	15	-	-	-	-	-	-	-	-	2	6	-	-	-	-	8	-	-	3	3	1	7										
Embezzlement	215	-	-	4	20	-	-	-	7	23	102	-	-	-	-	156	-	-	48	10	1	59										
Stealing letters from the post-office by servants	2	1	-	-	-	-	-	-	-	-	-	-	-	-	-	1	-	-	1	-	-	1	-	-	-	1						
Receiving stolen goods	653	-	1	50	52	2	-	-	17	66	144	-	-	-	1	335	-	-	265	39	16	320										
Frauds, and attempts to defraud	405	-	-	-	42	-	-	-	7	30	172	-	2	2	1	256	-	-	101	27	21	149										
Totals of No. 3.	15,478	1	559	419	2,117	3	-	4	132	1,097	6,946	58	27	5	4	11,372	1	4	2,670	1,208	223	4,101	-	-	-	1						
No. 4. *Malicious Offences against Property.*																																
Arson (capital)	67	10	-	-	-	-	-	-	-	-	-	-	-	-	-	10	-	3	29	22	3	54	7	2	-	-	-	-	1			
Setting fire to crops, plantations, heath, &c.	9	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	7	-	2	9										
Attempts to commit arson, set fire to crops, &c.	4	-	-	-	-	-	-	-	-	-	-	-	-	-	1	1	-	-	3	-	-	3										
Riot, and feloniously demolishing buildings, machinery, &c.	18	7	-	-	-	-	-	-	-	-	-	-	-	-	-	7	-	-	10	-	1	11	-	-	-	-	-	3	-	4		
Destroying hop-binds, trees, and shrubs growing, &c.	5	-	-	1	-	-	-	-	-	2	-	-	-	-	-	3	-	-	2	-	-	2										
Killing and maiming cattle	34	-	2	3	5	-	-	-	2	2	5	-	-	-	-	19	-	-	10	5	-	15										
Sending letters, threatening to burn houses, &c.	15	-	2	1	1	-	-	-	-	1	-	-	-	-	-	5	-	-	8	2	-	10										
Other malicious offences	4	-	-	-	1	-	-	-	1	-	2	-	-	-	-	3	-	-	-	1	-	1										
Totals of No. 4.	156	17	4	5	7	-	-	-	2	5	7	-	-	-	1	48	-	3	69	30	6	105	7	2	-	-	-	3	1	4		
No. 5. *Forgery and Offences against the Currency.*																																
Forging and uttering forged wills, and powers of attorney for the transfer of stock or receipt of dividends	1	1	-	-	-	-	-	-	-	-	-	-	-	-	-	1	-	-	-	-	-	-	-	1								
Forging and uttering forged Bank of England notes	1	-	1	-	-	-	-	-	-	-	-	-	-	-	-	1																
Forging and uttering other forged instruments	62	-	26	3	6	-	-	-	8	-	-	-	-	-	2	45	-	1	13	2	1	16										
Counterfeiting the current gold and silver coin	24	-	10	5	-	-	-	-	-	1	-	-	-	-	-	16	-	-	8	-	-	8										
Having in possession, &c. implements for coining	12	-	5	1	3	-	-	-	-	-	-	-	-	-	-	9	-	-	3	-	-	3										
Buying and putting off counterfeit gold and silver coin	3	-	-	2	-	-	-	-	-	1	-	-	-	-	-	3																
Uttering and having in possession ditto	265	-	2	1	14	-	-	3	20	115	58	-	-	1	-	212	-	-	31	11	11	53										
Totals of No. 5.	368	1	44	12	23	-	-	3	28	115	58	-	-	1	2	287	-	1	55	13	12	80	-	1								
No. 6. *Other Offences, not included in the above Classes.*																																
Assembling armed, &c. to aid smugglers	21	5	-	-	-	-	-	-	-	-	-	-	-	-	-	5	-	-	12	4	-	16	-	-	-	1	-	-	3	1		
Assaulting and obstructing officers employed to prevent smuggling	4	-	-	-	1	-	-	-	-	-	-	-	-	-	-	1	-	-	3	-	-	3										
Deer Stealing, and feloniously resisting deer-keepers	3	-	-	-	2	-	-	-	-	-	-	-	-	-	-	2	-	-	-	1	-	1										
Being out armed, &c. to take game by night, taking game by night, and assaulting game-keepers	184	-	-	7	18	-	-	-	10	40	54	-	1	1	1	132	-	-	35	7	10	52										
Taking and destroying fish in enclosed water	3	-	-	-	-	-	-	-	-	-	3	-	-	-	-	3																
Being at large under sentence of transportation	1	-	1	-	-	-	-	-	-	-	-	-	-	-	-	1																
Prison-breaking, harbouring and aiding the escape of felons	13	-	-	-	-	-	-	-	2	2	3	-	-	-	-	7	-	-	4	2	-	6										
Perjury and subornation of perjury	27	-	-	-	3	1	-	-	3	6	1	-	1	-	-	15	-	-	11	1	-	12										
Administering unlawful oaths	2	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	2	2										
Conspiracy to raise the rate of wages	7	-	-	-	-	-	-	-	-	-	-	-	-	5	-	5	-	-	2	-	-	2										
Riot, breach of the peace, and pound-breach	811	-	-	-	-	-	-	-	24	49	284	-	91	113	-	561	-	-	180	25	45	250										
Rescue, and refusing to aid peace officers	28	-	-	-	-	-	-	-	-	-	6	-	12	2	-	20	-	-	7	1	-	8										
Keeping disorderly houses	123	-	-	-	-	-	-	-	-	11	19	-	9	33	-	72	-	-	18	7	26	51										
Indecently exposing the person	22	-	-	-	-	-	-	-	1	2	3	-	2	-	-	8	-	-	3	1	10	14										
Felonies, not included in the above denominations	5	-	-	1	-	-	-	-	-	-	-	-	-	-	-	1	-	-	3	-	1	4										
Misdemeanors, ditto	105	-	-	-	-	-	-	-	3	5	14	-	31	8	-	61	-	-	33	4	7	44										
Totals of No. 6.	1,359	5	1	8	24	1	-	-	43	115	387	-	147	162	1	894	-	-	311	53	101	465	-	-	-	1	-	-	3	1		
Grand totals	20,731	523	746	554	2,325	4	-	11	290	1,543	8,071	58	351	242	11	14,729	4	21	4,034	1,526	417	5,977	34	306	52	44	3	22	35	22	5	

III. Table showing the Age, Sex, and Degree of Instruction of the Total Number of Persons committed for Trial or bailed, in England and Wales, in 1835.

Offences.	Total Number of Offenders.		Aged 12 Years and under.		Aged 16 Years and above 12.		Aged 21 Years and above 16.		Aged 30 Years and above 21.		Aged 40 Years and above 30.		Aged 50 Years and above 40.		Aged 60 Years and above 50.		Aged above 60 Years.		Age could not be ascertained.		Read and Write.		Read only.		Neither Read nor Write.		Instruction could not be ascertained	
	Males.	Females.	Males.	Females.	Males.	Females.	Males.	Females.	Males.	Females.	Males.	Females.	Males.	Females.	Males.	Females.	Males.	Females.	Males.	Females.	Males.	Females.	Males.	Females.	Males.	Females.	Males.	Females.
No. 1. *Offences against the Person.*																												
Murder	54	21	1	-	3	-	8	8	20	8	14	4	4	2	1	1	1	1	2	-	34	6	8	9	12	9		
Shooting at, stabbing, administering poison, &c., with intent to murder, maim, &c.	124	10	-	-	3	1	36	3	40	2	27	2	7	2	6	-	1	-	4	-	67	4	17	1	37	5	3	
Manslaughter	177	12	2	1	12	1	32	-	70	6	31	2	19	1	9	1	2	-	-	-	106	5	25	4	46	3		
Attempts to procure the miscarriage of women quick with child	2	-	-	-	-	-	-	-	1	-	1	-	-	-	-	-	-	-	-	-	1	-	-	-	1			
Ditto of women not quick with child	1	2	-	-	-	1	-	-	1	1	-	-	-	-	-	-	-	1	-	-	-	1	1	1				
Concealing the births of infants	1	36	-	-	-	-	-	13	-	11	-	6	-	-	1	2	-	2	-	1	1	16	-	12	-	7	-	1
Sodomy	17	1	-	-	1	-	4	-	5	-	4	-	-	1	1	-	2	-	-	-	10	-	1	1	6			
assaults, with intent to commit, and other unnatural misdemesnors	61	-	-	-	5	-	9	-	17	-	12	-	10	-	4	-	2	-	2	-	32	-	8	-	20	-	1	
Rape, and carnally abusing girls under the age of ten years	56	-	-	-	2	-	13	-	24	-	11	-	4	-	1	-	1	-	-	-	28	-	12	-	16			
Assaults, with intent to ravish and carnally abuse	131	-	-	-	7	-	37	-	32	-	20	-	13	-	11	-	8	-	3	-	64	-	26	-	34	-	7	
Carnally abusing girls between the age of ten and twelve years	5	-	-	-	-	-	1	-	-	-	-	-	1	-	-	-	2	-	1	-	3	-	-	-	1	-	1	
Abduction	2	-	-	-	-	-	-	-	1	-	1	-	-	-	-	-	-	-	-	-	1	-	1	-				
Bigamy	27	7	-	-	-	-	-	-	10	3	11	1	5	3	1	-	-	-	-	-	19	4	4	1	4	2		
Child stealing	1	1	-	-	-	-	-	-	-	1	-	-	-	-	-	-	-	-	-	-	-	-	-	1				
Assaults on peace officers in the execution of their duty	728	116	-	-	19	5	98	11	256	28	150	33	76	17	29	6	4	-	96	11	376	42	75	20	152	41	126	13
	404	17	-	-	5	-	101	6	193	5	70	2	10	-	9	2	1	-	15	2	212	5	52	7	122	3	18	2
Total of No. 1.	1,790	226	3	1	57	8	339	41	670	65	352	55	149	26	73	12	24	4	123	14	953	83	230	57	451	70	156	16
No. 2. *Offences against Property, committed with Violence.*																												
Sacrilege	9	-	-	-	-	-	4	-	4	-	1	-	-	-	-	-	-	-	-	-	2	-	2	-	5			
Burglary	272	9	4	-	17	-	117	3	93	4	31	1	8	1	2	-	-	-	-	-	130	4	55	1	87	4		
Housebreaking	357	24	3	-	29	5	161	9	127	7	24	3	7	-	4	-	2	-	-	-	157	8	77	8	123	8		
Breaking, within the curtilage of dwelling-houses, and stealing	86	2	-	-	6	-	38	1	26	1	7	-	4	-	4	-	-	-	1	-	27	-	20	2	38	-	1	
Breaking into shops, warehouses, and counting-houses, and stealing	122	1	-	-	5	-	34	1	44	-	30	-	2	-	4	-	2	-	1	-	62	-	13	-	46	1	1	
Misdemesnors, with intent to commit the above offences	24	-	-	-	5	-	12	-	4	-	1	-	2	-	-	-	-	-	-	-	12	-	-	-	12			
Robbery	352	26	1	-	11	2	153	10	152	9	24	3	4	2	3	-	-	-	4	-	141	3	93	9	117	14	1	
Assaults with intent to rob, and demanding property with menaces	59	4	-	-	2	-	26	-	25	4	5	-	-	-	-	-	1	-	-	-	26	1	18	1	15	2		
Stealing in dwelling houses, persons therein being put in fear	1	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	1	-	-	-	1							
Sending menacing letters to extort money	2	2	-	-	-	-	-	-	1	1	-	1	-	-	-	-	1	-	-	-	2	2						
Piracy	2	-	-	-	-	-	-	-	1	-	1	-	-	-	-	-	-	-	-	-	2							
Total of No. 2.	1,286	68	8	-	75	7	545	24	477	26	124	8	27	3	17	-	7	-	6	-	562	18	278	21	443	29	3	
No. 3. *Offences against Property committed without Violence.*																												
Cattle stealing	40	-	-	-	-	-	8	-	12	-	13	-	3	-	2	-	1	-	1	-	26	-	7	-	7			
Horse stealing	162	1	1	-	4	-	43	-	65	-	32	1	8	-	8	-	1	-	-	-	97	-	27	-	33	1		
Sheep stealing	219	2	-	-	5	1	52	-	100	-	39	1	16	1	5	-	2	-	-	-	93	1	44	-	83	1		
Larceny, to the value of 5*l.* in a dwelling house	153	33	3	-	14	3	38	12	56	10	12	5	8	2	2	1	-	-	-	-	95	6	20	15	38	12		
Larceny, from the person	1,119	415	19	2	165	22	518	133	327	201	64	43	15	9	4	5	3	-	4	-	510	81	200	138	401	195	8	1

Larceny, by servants	627	244	8	2	78	39	189	80	177	69	98	28	55	19	18	6	4	-	-	1	356	72	94	93	174	78	1	1
Larceny, simple	9,107	1,927	214	45	1,186	197	2,908	484	2,677	574	1,152	292	522	199	267	86	101	36	53	14	3,812	485	1,848	675	2,352	741	95	28
Stealing from vessels in port, on a river, &c.	46	-	-	-	3	-	22	-	13	-	5	-	1	-	2	-	-	-	-	-	17	-	10	-	19			
Stealing fixtures, trees, and shrubs growing, &c.	91	2	1	-	20	-	26	-	20	-	12	1	9	-	2	1	1	-	-	-	40	-	18	-	33	2		
Misdemeanors, with intent to steal	14	1	1	-	1	-	6	1	5	-	1	-	-	-	-	-	-	-	-	-	5	-	-	1	8	-	1	
Embezzlement	207	8	-	-	18	-	52	3	59	1	47	1	21	1	8	1	1	-	1	1	164	3	20	3	23	1	-	1
Stealing letters from the post office by servants	2	-	-	-	-	-	-	-	2	-	-	-	-	-	-	-	-	-	-	-	2							
Receiving stolen goods	414	239	3	-	31	8	64	41	110	65	85	53	67	39	33	22	16	9	5	2	233	60	62	39	109	87	10	3
Frauds and attempts to defraud	353	52	-	1	17	7	63	17	114	14	74	8	39	3	22	2	10	-	14	-	220	23	46	15	69	13	18	1
Total of No. 3.	12,554	2,924	277	50	1,542	277	4,009	771	3,737	934	1,934	433	764	272	373	124	140	45	78	18	5,671	731	2,396	1,027	4,254	1,131	133	35
No. 4. *Malicious Offences against Property.*																												
Arson (capital)	57	10	-	-	-	2	10	1	20	4	15	-	5	3	2	-	5	-	-	-	21	2	10	3	26	5		
Setting fire to crops, plantations, heath, &c.	9	-	1	-	3	-	2	-	3	-	-	-	-	-	-	-	-	-	-	-	4	-	3	-	2			
Attempts to commit arson, set fire to crops, &c.	2	2	-	-	-	1	1	-	1	1	-	-	-	-	-	-	-	-	-	-	-	1	-	1	2			
Rioting, and feloniously demolishing buildings, machinery, &c.	15	3	-	-	-	-	1	-	9	2	2	-	2	1	1	-	-	-	-	-	10	-	1	1	4	2		
Destroying hop-binds, trees, and shrubs, growing, &c.	5	-	-	-	-	-	1	-	4	-	-	-	-	-	-	-	-	-	-	-	3	-	1	-	1			
Killing and maiming cattle	33	1	1	-	2	-	14	-	9	-	2	1	2	-	-	-	2	-	1	-	11	1	5	-	15	-	2	
Sending letters, threatening to burn houses, &c.	15	-	-	-	-	-	8	-	5	-	1	-	1	-	-	-	-	-	-	-	14	-	1					
Other malicious offences	4	-	2	-	-	-	1	-	-	-	1	-	-	-	-	-	-	-	-	-	-	-	2	-	2			
Total of No. 4.	140	16	4	-	5	3	38	1	51	7	21	1	10	4	3	-	7	-	1	-	63	4	23	5	52	7	2	
No. 5. *Forgery, and Offences against the Currency.*																												
Forging and uttering forged wills, and powers of attorney for the transfer of stock or receipt of dividends	1	-	-	-	-	-	-	-	-	-	-	-	-	-	1	-	-	-	-	-	1							
Forging and uttering forged Bank of England notes	1	-	-	-	-	-	-	-	-	-	1	-	-	-	-	-	-	-	-	-	1							
Forging and uttering other forged instruments	58	4	-	-	-	-	5	1	21	1	16	1	13	-	2	1	1	-	-	-	57	4	1					
Counterfeiting the current gold and silver coin	17	7	1	-	-	-	2	-	9	6	4	-	-	-	-	-	1	1	-	-	110	-	1	4	6	3		
Having in possession, &c. implements for coining	7	5	-	-	-	-	1	1	5	3	-	-	1	1	-	-	-	-	-	-	4	-	1	3	2	2		
Buying and putting off counterfeit gold and silver coin	3	-	-	-	-	-	-	-	2	-	1	-	-	-	-	-	-	-	-	-	2	-	1					
Uttering and having in possession ditto	192	73	-	-	7	8	71	28	72	17	28	6	6	5	3	6	4	3	1	-	101	13	24	18	65	42	2	
Total of No. 5.	279	89	1	-	7	8	79	30	109	27	50	7	20	6	6	7	6	4	1	-	176	17	28	25	73	47	2	
No. 6. *Other Offences, not included in the above Classes.*																												
Assembling armed, &c. to aid smugglers	21	-	-	-	-	-	4	-	9	-	7	-	-	-	1	-	-	-	-	-	9	-	2	-	10			
Assaulting and obstructing officers employed to prevent smuggling	4	-	-	-	-	-	1	-	2	-	1	-	-	-	-	-	-	-	-	-	2	-	-	-	2			
Deer stealing, and feloniously resisting deer keepers	3	-	-	-	-	-	1	-	2	-	-	-	-	-	-	-	-	-	-	-	2	-	-	-	1			
Being out armed, &c. to take game by night, taking game by night, and assaulting game-keepers	184	-	-	-	4	-	57	-	85	-	30	-	7	-	1	-	-	-	-	-	53	-	59	-	72			
Taking and destroying fish in enclosed water	3	-	-	-	-	-	-	-	2	-	-	-	1	-	-	-	-	-	-	-	-	-	1	-	2			
Being at large under sentence of transportation	1	-	-	-	-	-	-	-	-	-	-	-	1	-	-	-	-	-	-	-	1					4		
Prison-breaking, harbouring and aiding the escape of felons	8	5	-	-	-	-	2	3	4	1	2	-	-	-	2	1	-	-	-	-	5	1	2	1	1	3		
Perjury and subornation of perjury	24	3	1	-	-	-	3	-	9	1	3	-	2	-	2	2	-	-	4	-	15	-	3	3	2	-	4	
Administering unlawful oaths	2	-	-	-	-	-	-	-	-	-	2	-	-	-	-	-	-	-	-	-	2	-					5	
Conspiracy to raise the rate of wages	7	-	-	-	-	-	-	-	2	-	-	-	-	-	-	-	-	-	5	-	-	-	-	-	2	-	6	1
Riot, breach of the peace, and pound breach	785	26	1	-	17	-	165	4	323	5	113	7	37	3	23	5	22	-	84	2	302	11	125	8	250	1	108	
Rescue, and refusing to aid peace officers	23	5	-	-	-	-	7	1	9	-	-	-	1	2	2	-	1	1	3	1	14	2	3	2	3	1	3	
Keeping disorderly houses	49	74	-	-	-	-	4	10	13	22	12	16	12	10	5	7	-	2	3	7	27	31	4	12	9	21	9	10
Indecently exposing the person	18	4	-	-	-	-	2	-	1	2	6	1	4	1	1	-	1	-	3	-	4	2	3	-	8	2	3	
Felonies, not included in the above denominations	2	3	-	-	-	-	-	2	1	1	-	-	-	-	-	-	1	-	-	-	1	-	-	-	1	3		
Misdemeanors, ditto	92	13	-	-	-	-	1	5	18	2	14	5	7	-	7	1	3	1	42	1	34	6	2	1	9	5	47	1
Total of No. 6.	1,226	133	2	-	21	-	247	23	480	34	190	29	72	16	42	16	28	4	144	11	471	53	204	27	372	41	179	12
Grand totals	17,275	3,456	295	51	1,707	303	5,257	890	6,524	1,093	2,371	585	1,042	327	514	159	212	57	353	43	7,896	906	3,159	1,162	5,745	1,325	475	56

IV. A Statement of the Number of Persons charged with Criminal Offences, who were committed to the different Gaols in England and Wales for Trial, in each County, in each of the Three Seven Years ending with 1834.

	In the Seven Years ending with the Year 1820.	In the Seven Years ending with the Year 1827.	In the Seven Years ending with the Year 1834.		In the Seven Years ending with the Year 1820.	In the Seven Years ending with the Year 1827.	In the Seven Years ending with the Year 1834.
Anglesey	15	58	79	Leicester	944	1,273	1,667
Bedford	367	766	812	Lincoln	1,296	1,563	2,237
Berks	912	1,113	1,505	Merioneth	40	25	63
Brecon	163	102	161	Middlesex	16,692	19,883	24,965
Bucks	548	906	1,358	Monmouth	282	412	741
Cambridge	553	964	1,206	Montgomery	191	157	222
Cardigan	72	58	63	Norfolk	1,871	2,829	3,650
Carmarthen	164	147	263	Northampton	765	927	1,219
Carnarvon	64	120	152	Northumberland	612	570	719
Chester	1,675	2,443	3,862	Nottingham	1,227	1,657	2,255
Cornwall	646	679	1,144	Oxford	746	942	1,425
Cumberland	351	408	477	Pembroke	179	150	178
Denbigh	141	150	270	Radnor	72	80	99
Derby	670	736	1,314	Rutland	56	88	104
Devon	2,347	2,741	3,106	Salop	1,076	1,009	2,060
Dorset	632	866	1,150	Somerset	2,305	3,397	4,344
Durham	452	688	1,010	Stafford	2,139	2,451	4,426
Essex	1,908	2,686	3,837	Suffolk	1,410	2,040	2,724
Flint	84	87	171	Surrey	3,075	4,063	5,609
Glamorgan	223	251	580	Sussex	1,183	1,935	2,429
Gloucester	2,133	2,326	3,625	Warwick	3,275	5,614	4,646
(Bristol)	923	1,043	1,592	Westmoreland	106	121	146
Hants	2,085	2,190	3,187	Wilts	1,310	2,046	2,609
Hereford	750	753	1,078	Worcester	1,305	1,375	2,084
Herts	747	1,047	1,730	York	4,289	5,935	9,196
Huntingdon	197	205	313				
Kent	2,931	3,912	4,837	Totals in each 7 years	78,762	99,842	134,062
Lancaster	10,563	13,873	16,064				

V. A Statement of the Number of Persons charged with Criminal Offences, who were committed for Trial, and convicted, sentenced, acquitted, &c., in England and Wales, in each of the Three Seven Years ending with 1834.

	In the Seven Years ending with the Year 1820.	In the Seven Years ending with the Year 1827.	In the Seven Years ending with the Year 1834.
Committed for Trial, viz. —			
Males	64,972	83,874	112,228
Females	13,790	15,968	21,834
Totals	78,762	99,842	134,062
Convicted and sentenced to —			
Death	7,107	7,952	8,483
Transportation, for life	785	977	3,663
— 35 years	-	-	1
— 28 years	-	1	5
— 21 years	-	1	5
— 15 years	-	-	1
— 14 years	1,258	1,148	4,690
— 10 years	3	1	13
— 9 years	-	-	1
— 7 years	8,856	11,405	16,516
— 4 years	1	1	
Imprisonment, and severally to be whipped, fined, pilloried, kept to hard labour, &c. — 5 years	5	4	
4 years	3	-	2
3 years	100	72	38
2 years, and above 1 year	1,824	2,283	1,658
1 year, and above 6 months	6,207	8,568	9,064
6 months, and under	23,892	34,150	49,276
Whipping and fine	1,656	1,901	2,039
Totals convicted	51,547	68,264	95,455
Acquitted	15,351	19,406	25,290
No bills found, and not prosecuted	11,864	12,172	13,317
Totals	78,762	99,842	134,062
Of whom were executed	640	494	555

VI. TABLE showing the Total Number of Persons committed for Trial or bailed, in England and Wales in each of the Ten Years ending with 1834.

ENGLAND AND WALES.										
Offences.	1834.	1833.	1832.	1831.	1830.	1829.	1828.	1827.	1826.	1825.
No. 1. — *Offences against the Person.*										
Murder	86	52	66	57	65	47	83	65	57	94
Shooting at, stabbing, administering poison, &c., with intent to murder, maim, &c.	159	125	132	104	80	115	72	82	47	57
Manslaughter	228	215	176	150	141	125	142	141	141	122
Attempt to procure the miscarriage of women quick with child	2									
Ditto of women not quick with child	5									
Concealing the births of infants	44	45	44	31	28	35	5	5	8	8
Sodomy	28	23	23	13	20	10	12	14	4	9
assaults with intent to commit, and other unnatural misdemeanors	96	79	56	42	62	35	60	45	55	40
Rape, and carnally abusing girls under the age of ten years	63	51	53	55	54	54	41	48	29	43
Assaults, with intent to ravish, and carnally abuse	115	118	123	103	87	108	128	111	117	65
Carnally abusing girls between the age of ten and twelve	7									
Abduction	2									
Bigamy	35	38	34	38	41	38	46	29	42	33
Child stealing	7	4	5	6	5	4	4	9	2	4
Assaults on peace-officers in the execution of their duty	952									
Totals of No. 1.	2,455	750	712	599	583	571	593	549	482	475
No. 2. — *Offences against Property, committed with Violence.*										
Sacrilege	12	13	14	12	8	10	12	10	4	2
Burglary	227	98	175	152	155	171	249	572	478	428
Housebreaking	518	679	759	665	726	781	491	300	168	150
Breaking within the curtilage of dwelling-houses, and stealing	68	249	242	221	263	204	195			
Breaking into shops, warehouses, and counting-houses, and stealing	164									
Misdemeanors, with intent to commit the above offences	29									
Robbery	341	394	382	575	301	299	317	381	307	189
Assaults, with intent to rob, and demanding property with menaces	95									
Stealing in dwelling-houses, persons therein being put in fear	4									
Sending menacing letters to extort money	1									
Piracy	- -	- -	2	- -	5	47	- -	- -	- -	2
Totals of No. 2.	1,459	1,433	1,574	1,623	1,458	1,518	1,267	1,263	957	771
No. 3. — *Offences against Property committed without Violence.*										
Cattle stealing	50	33	53	28	30	30	38	45	24	42
Horse stealing	170	222	210	179	177	184	177	229	171	229
Sheep stealing	229	266	298	253	297	237	201	251	190	166
Larceny, to the value of 5*l.*, in dwelling-houses	167	173	180	169	134	119	117	295	300	265
from the person	1,724	1,757	1,748	1,421	1,234	1,138	1,079	1,081	1,055	855
by servants	813	12,914	13,465	12,118	12,031	12,628	10,989	12,014	11,122	10,087
simple	11,904									
Stealing from vessels in port, on a river, &c.	52									
goods in process of manufacture	10									
fixtures, trees and shrubs growing, &c.	98									
Misdemeanors, with intent to steal	25									
Embezzlement	260	243	223	191	182	180	195	153	143	105
Stealing letters from the post office, by servants	8	4	3	5	3	- -	3	6	1	2
Receiving stolen goods	730	703	703	559	581	611	463	531	406	289
Frauds, and attempts to defraud	390	358	384	408	427	405	310	332	279	302
Totals of No. 3.	16,608	16,675	17,267	15,331	15,096	15,522	13,572	14,937	13,691	12,322
No. 4. — *Malicious Offences against Property.*										
Arson, capital	62	62	111	102	45	37	14	14	17	22
Setting fire to crops, plantations, heaths, &c.	6									
Attempts to commit arson, set fire to crops, &c.	8									
Riot, and feloniously demolishing buildings, machinery, &c.	11	31	67	141	- -	- -	7	- -	62	
Destroying threshing-machines	- -	5	22	921	40					
hop-binds, trees and shrubs, growing, &c.	12									
Killing, and maiming cattle	41	33	16	19	6	3	11	8	11	9
Sending letters threatening to burn houses, &c.	11	12	6	62	4	4	3	2	3	5
Other malicious offences	11									
Totals of No. 4.	162	145	222	1,245	95	44	35	25	93	36
No. 5. — *Forgery, and Offences against the Currency.*										
Forging and uttering forged wills and powers of attorney for the transfer of stock or receipt of dividends	1									
Forging Bank of England notes	2	19	6	6	3	14	11	38	19	4
other instruments	56	72	75	50	40	42	55	53	28	32
Having in possession, &c., forged Bank of England notes	- -	- -	2	- -	- -	1	- -	1	5	
Counterfeiting the current gold and silver coin	15	- -	2	10	- 3	1	10	21	2	3

Table VI. — *continued.*

ENGLAND AND WALES.

Offences.	1834.	1833.	1832.	1831.	1830.	1829.	1828.	1827.	1826.	1825.
Having in possession, &c., implements for coining										
Buying and putting off counterfeit gold and silver coin	22	371	433	320	322	313	261	230	283	210
Uttering, and having in possession ditto	325									
Counterfeiting, buying, putting off, and uttering counterfeit copper coin	2									
Totals of No. 5.	431	462	518	386	368	371	337	393	343	249
No. 6. — *Other Offences, not included in the above Classes.*										
Assembling armed, &c. to aid smugglers	7	- -	- -	- -	2	- -	11	16	1	2
and obstructing officers employed to prevent smuggling	2									
Deer stealing, and feloniously resisting deer-keepers	4									
Being out armed, &c., to take game by night, taking game by night and assaulting game-keepers	211	186	213	105	141	230	366	284	182	151
Taking and destroying fish, in inclosed water	13									
Being at large under sentence of transportation	8	7	4	10	8	8	7	13	12	4
Prison-breaking, harbouring and aiding the escape of felons	17									
Perjury and subornation of perjury	18	19	14	16	18	10	16	16	14	11
Administering unlawful oaths	23									
Conspiracy to raise the rate of wages	15									
Riot, breach of the peace, and pound-breach	759									
Rescue, and refusing to aid peace-officers	47									
Keeping disorderly houses	125									
Indecently exposing the person	13									
Felonies not included in the above denominations	10	397	305	332	338	391	360	423	389	416
Misdemeanors, ditto	64									
Totals of No. 6.	1,386	609	536	463	507	639	760	757	598	584
Grand totals	22,451	20,079	20,829	19,647	18,107	18,675	16,564	17,924	16,164	14,437

VII. A Statement of the Number of Persons convicted of Crimes for which they received Sentence of Death, and the Number thereof who were executed in England and Wales, in each of the Three Seven Years ending with 1834.

Crimes.	In the Seven Years ending with the Year 1820.		In the Seven Years ending with the Year 1827.		In the Seven Years ending with the Year 1834.	
	Number of Persons sentenced to Death.	Number of Persons executed.	Number of Persons sentenced to Death.	Number of Persons executed.	Number of Persons sentenced to Death.	Number of Persons executed.
Arson, and other wilful burning	43	19	47	9	116	59
Burglary	1,765	111	2,134	108	833	14
Breaking into a dwelling house and larceny	783	5	998	7	3,103	33
Cattle stealing	142	3	142	- -	123	
feloniously killing, and maiming	4	1	4	- -	2	
Coining	52	2	27	8	13	2
Coin, uttering counterfeit (having been convicted as common utterers)	18	- -	7	- -	30	
Forgery, and uttering forged instruments	393	111	243	33	159	11
Horse-stealing	651	9	902	34	628	12
Larceny, grand	1	- -	4			
in a dwelling-house, &c.	892	20	1,231	26	422	5
in a shop, &c.	238	- -	8		—	
on a navigable river, &c.	20	4	1			
of naval stores, &c.	20					
Letters, containing bank notes, &c., secreting and stealing	14	4	6	2	15	1
sending threatening, &c.	2	- -	4			
Murder	141	122	113	97	105	90
shooting at, stabbing, wounding, and administering poison, with intent to murder, &c.	93	29	146	28	327	31
Piracy	4	4	2	- -	4	2
Rape, &c.	46	28	57	27	63	26
Riot and felony	- -	- -	50	1	159	6
Robbery of the person, on the highway, and other places	774	107	976	86	1,125	43
Sacrilege	27	2	34	- -	62	
Sheep-stealing, and killing with intent to steal	834	44	727	16	786	8
Sodomy	26	13	13	12	28	12
Transports being at large, &c.	41	- -	47	- -	49	
Treason, high	56	8	1	- -	1	
Felony, transferring a stamp to defraud, &c.	- -	- -	- -	- -	1	
cutting down trees growing, &c.	2	1	2			
stealing woollen cloth from a tenter	2					
stealing part of wreck	1	- -	2			
cutting hop-binds, growing, &c.	1					
rescuing felons	- -	- -	4			
assembling armed to assist smugglers	- -	- -	20	- -	24	
frame breaking and destroying machinery	1					
receiving bank notes stolen from letters	- -	- -	- -	- -	2	
Trafficking in slaves	- -	- -	- -	- -	3	
Total number of persons in each seven years	7,107	649	7,952	494	8,483	355

VIII. TABLE showing the Total Number of Persons committed for Trial or bailed in Scotland, in 1834, specifying also the Nature of the Offences for which they were committed or bailed.

Nature of Offences committed.	Number of Persons committed for Trial in 1834.		
	Males.	Females.	Totals.
No. 1. — *Offences against the Person.*			
Murder	9	3	12
Stabbing, &c.	5	-	5
Culpable homicide	23	6	29
Other capital offences	25	1	26
Bigamy	8	1	9
Assaults	646	61	707
Assaults on officers of the law	2	-	2
Total, No. 1.	718	72	790
No. 2. — *Offences against Property, committed with violence.*			
House-breaking with intent to steal	4	-	4
Theft by house-breaking	224	42	266
Robbery and assault	3	-	3
Mobbing, rioting, assault, and invading of property	25	-	25
Total, No. 2.	256	42	298
No. 3. — *Offences against Property, committed without Violence.*			
Cattle-stealing	7	-	7
Robbery	31	7	38
Theft	713	323	1,036
Reset of theft	37	43	80
Breach of trust and embezzlement	31	2	33
Fraud, &c.	18	5	23
Stealing from wrecked vessels	8	-	8
Total, No. 3.	845	380	1,225
No. 4. — *Malicious Offences against Property.*			
Wilful fire-raising	12	3	15
Malicious or culpable mischief	29	-	29
Mobbing, rioting, and malicious mischief	4	-	4
Vagrancy, breaking windows, &c.	5	-	5
Total, No. 4.	50	3	53
No. 5. — *Forgery and Offences against the Currency.*			
Forgery, uttering forged documents, &c.	40	5	45
Issuing and being possessed of base coin	16	33	49
Total, No. 5.	56	38	94
No. 6. — *Other Offences not included in the above Classes.*			
Perjury	6	-	6
Fraudulent bankruptcy and perjury	3	-	3
Breaking of the peace, &c.	78	16	94
Extorting money by threatening letters	2	-	2
Rioting, mobbing, &c.	24	-	24
Felonies and misdemeanors not included in the above denominations	87	35	122
Total, No. 6.	200	51	251
Grand total	2,125	586	2,711

N.B. — This and the following Table are taken from that useful work the *Companion for the Almanac for* 1836, p. 51. and 54. The official returns from which they are deduced are spread over many pages, are very perplex, and present few clear or precise results.

IX. ABSTRACT of the Total Number of Persons charged with Offences in Scotland, in the Year 1834, distinguished in Classes according to the Nature of the Offences; together with the Result of the Accusations.

Classes of Offenders.	Number of Persons committed for Trial.	Committed and sentenced as under to											Acquitted.	Outlawed.	Found to be Insane.	No Prosecution.	Executed.
		Death.	Transportation.			Imprisonment.				Fine.	Caution to keep the Peace.	Total.					
			Life.	14 Years.	7 Years.	Above 1 Year.	12 Months and above 6 Months.	6 Months and above 3 Months.	3 Months and under.								
No. 1. — Offences against the person	790	5	7	2	4	3	18	45	363	39	7	493	50	11	6	202	3
No. 2. — Offences against property, committed with violence	298	-	6	20	68	5	24	55	31	1	-	213	17	-	-	53	
No. 3. — Offences against property, committed without violence	1,225	-	5	24	114	15	75	190	418	6	-	847	79	4	1	279	
No. 4. — Malicious offences against property	53	-	-	1	2	-	-	3	17	6	-	29	3	-	-	20	
No. 5. — Forgery and offences against the currency	94	-	12	0	6	4	8	3	10	-	-	43	9	5	-	30	
Other offences not included in the above denomination	251	1	-	-	1	10	7	18	113	11	3	165	14	5	-	51	1
Total	2,711	6	30	47	195	40	132	314	952	63	10	1,789	172	25	7	635	4

X. Summary Statements of the Number of Persons charged with Criminal Offences, who were committed to the different Gaols in Ireland, for Trial at the Assizes and Sessions held for the several Counties, Cities, Towns and Liberties therein, during the last Nine Years; distinguishing the Number in each Year; and showing the nature of the Crimes respectively of which they were convicted, acquitted, and with which those were charged against whom no Bills were found, and who were not prosecuted; also, the Sentences of those convicted; and the Number executed, who received Sentence of Death, from 1828 to 1836 inclusive.

Number of Persons charged with Criminal Offences, and committed to the different Gaols in Ireland, for Trial, in each County.

	1828.	1829.	1830.	1831.	1832.	1833.	1834.	1835.	1836.
Antrim	454	338	535	528	373	450	455	527	568
Armagh	549	490	301	403	397	404	350	399	563
Carlow	228	158	220	195	236	351	343	363	858
Cavan	301	280	304	306	202	236	228	254	203
Clare	215	215	370	598	578	349	364	404	389
Cork	976	969	1,021	859	861	1,098	1,123	1,317	1,129
Cork City	493	493	502	534	529	611	792	792	860
Donegal	472	527	487	443	353	472	479	472	438
Down	270	346	358	355	350	364	455	407	460
Dublin	393	366	450	413	410	456	493	458	839
Dublin City	1,982	2,096	2,128	2,312	2,384	2,005	2,371	2,478	2,627
Fermanagh	277	357	294	283	328	340	361	392	338
Galway	458	394	483	529	489	481	640	651	355
Galway Town	136	337	127	141	107	113	145	174	142
Kerry	944	639	389	468	431	467	592	574	717
Kildare	78	325	135	174	227	490	546	345	637
Kilkenny	221	174	221	171	199	367	408	595	480
Kilkenny City	115	109	153	116	127	151	190	204	202
King's County	563	576	313	273	271	428	505	634	766
Leitrim	380	372	282	209	293	389	330	310	327
Limerick	337	255	441	431	272	640	789	804	803
Limerick City	255	346	365	326	336	420	726	1,034	1,272
Londonderry	237	292	260	268	217	351	303	327	363
Longford	330	404	429	300	391	409	590	477	607
Louth	218	147	164	166	199	183	238	246	321
Drogheda Town	56	34	48	43	34	80	115	137	112
Mayo	346	387	829	1,235	705	973	1,487	1,046	1,155
Meath	212	243	247	288	240	284	361	335	333
Monaghan	352	321	310	361	279	386	455	429	560
Queen's County	189	388	454	456	582	528	699	303	736
Roscommon	456	455	438	528	470	544	605	566	437
Sligo	402	559	532	505	360	423	482	502	519
Tipperary	519	581	700	720	1,414	1,005	1,305	1,307	1,557
Tyrone	330	289	394	226	228	309	377	297	340
Waterford	224	210	196	226	177	218	475	394	347
Waterford City	145	133	228	151	180	157	162	164	191
Westmeath	288	336	347	320	404	543	583	658	761
Wexford	179	224	208	192	245	253	316	387	538
Wicklow	103	156	133	138	128	111	147	142	216
Totals	14,683	15,271	15,794	16,192	16,056	17,819	21,381	21,205	23,891

XI. Number of Persons committed, convicted, sentenced, acquitted, &c. in Ireland in each Year, from 1828 to 1834.

	1828.	1829.	1830.	1831.	1832.	1833.	1834.	Total No. in the 7 Years.
Committed for Trial, viz.—								
Males	11,919	12,471	12,709	13,148	13,160	14,923	17,757	96,087
Females	2,764	2,800	3,085	3,044	2,896	2,896	3,624	21,109
Totals	14,683	15,271	15,794	16,192	16,056	17,819	21,381	117,196
Convicted and sentenced—								
To death	211	224	262	307	319	237	197	1,757
Transportation for life	66	51	93	178	162	224	244	1,018
— 14 years	20	15	25	26	29	21	11	147
— 7 years	665	746	839	872	956	711	781	5,570
Imprisonment, 3 years	3	2	- -	1	- -	10	2	18
— 2 years, and above 1 year	75	90	55	120	102	199	151	792
— 1 year, and above 6 months	880	919	565	844	914	924	1,055	6,097
— 6 months, and under	6,449	6,526	7,506	6,840	6,905	8,836	11,190	54,252
Fine	900	876	559	417	372	282	624	4,030
Totals convicted	9,269	9,449	9,902	9,605	9,759	11,444	14,255	73,681
Acquitted	2,345	2,422	2,429	2,893	2,449	2,405	2,535	17,278
No bills found	3,078	3,200	3,463	3,694	3,848	3,970	4,593	28,846
Bailed and not prosecuted	91	- -	- -	- -	- -	- -	- -	91
Totals	14,683	15,271	15,794	16,192	16,056	17,819	21,381	117,196
Of whom were executed	21	38	39	37	39	39	43	256

XII. STATEMENT of the Nature of the Crimes of which Persons were convicted in Ireland in each Year from 1828 to 1834.

CRIMES.	1828. Number of Persons.	1829. Number of Persons.	1830. Number of Persons.	1831. Number of Persons.	1832. Number of Persons.	1833. Number of Persons.	1834. Number of Persons.
Abduction	11	8	9	1	3	9	20
Arson	5	4	3	6	5	1	8
Assault	3,639	3,804	3,360	2,967	3,193	3,830	5,143
with intent to murder	48	40	26	-	2	11	3
with intent to ravish	20	18	2	21	18	16	24
with intent to ravish female infants	3	-	-	3	3	3	2
with intent to rob	12	20	13	57	27	38	34
Bigamy	21	2	3	1	2		
Burglary	48	52	45	64	51	48	34
Cattle-stealing (not otherwise described)	87	9	29	25	19	10	19
Child-stealing	7						
Coining	7	3	7	-	7	1	2
Combination	13	10	5	3	4	9	14
Conspiracy to murder	-	7	7	-	7	-	2
to rob	6	-	3	7	3	4	40
Cow-stealing	3	41	53	65	62	59	44
Cutting and wounding persons (feloniously)	8	12	6	3	3	2	1
Distilling illegally	652	617	658	276	363	896	1,149
Embezzlement	5	11	19	16	28	23	25
Embezzling letters from post office	1	-	-	1	1	2	
Forgery	7	5	3	2	4	5	4
of bank notes, and uttering	12	8	2	9	5		
having forged bank notes in possession	3	-	10				
of stamps	-	-	1	-	-	-	3
Fraud in obtaining money under false pretences	20	21	43	42	31	20	57
Gaol-breaking	4	-	-	-	-	1	
Highway robbery	30	34	34	40	34	42	13
Horse-stealing	48	47	45	42	20	25	23
Houghing, maiming, and killing cattle	6	3	-	6	-	-	3
Larceny (not otherwise described)	1,378	890	2,172	2,392	2,018	1,968	2,597
from house (and housebreaking)	260	491	33	14	19	9	10
from shop	119	275	315	327	245	255	345
from person	121	400	6	17	11	26	
Mail robbery	5	-	-	2	-	4	
Manslaughter	82	143	100	106	136	231	180
Misdemeanor (not otherwise described)	1,272	1,168	1,596	1,663	1,734	2,183	2,668
Murder	60	54	28	27	31	42	49
females of their infants	-	-	-	-	1	1	
concealing the birth of ditto	2	10	10	1	1	6	11
Oaths, administering and taking unlawfully	6	-	6	68	40	31	15
Perjury	9	16	6	15	7	14	18
Pig-stealing	-	39	49	56	62	41	36
Rape	12	17	26	12	17	11	7
accessory and aiding in	2						
Receiving and having in possession stolen goods	95	157	204	168	107	126	161
Returning from transportation before time	1						
Riotous assembly	801	669	816	644	950	928	974
appearing armed by night	8	8	11	38	64	130	134
attacking dwelling-houses, or otherwise felonious	25	39	18	32	51	10	7
Robbery of arms	3	7	11	18	20	23	11
Seditious practices	3	2	-	3	27	17	11
Sheep-stealing, and killing same with intent to steal	82	67	92	96	72	71	66
Shooting at persons	3	12	3	8	23	16	10
Stealing from bleach green	2	5	1	-	1	1	
Taking and holding forcible possession	23	33	36	37	40	50	118
Treasonable practices	-	-	-	4	1	-	2
Unlawfully marrying persons	-	1	2	2			
Uttering counterfeit coin	78	69	90	105	64	78	74
Vagrancy	85	100	185	90	122	120	82
Writing and sending threatening letters	1	1	-	3			
Total number of persons convicted in each year	9,269	9,449	9,902	9,605	9,759	11,444	14,253

XIII. STATEMENT of the Number of Persons executed in Ireland in each Year, from 1828 to 1834, distinguishing the Nature of the Crimes of which they were convicted.

Crimes.	1828. Number of Persons.	1829. Number of Persons.	1830. Number of Persons.	1831. Number of Persons.	1832. Number of Persons.	1833. Number of Persons.	1834. Number of Persons.	Total Number in the Seven Years.
Abduction	2	1	2	-	-	-	-	5
Arson	-	1	1	-	-	-	1	3
Assault with intent to murder	-	-	-	-	1	1	1	3
Burglary	-	6	-	4	3	-	-	13
Conspiracy to murder	-	-	2	-	4	-	2	8
Cutting and wounding persons feloniously	-	-	6	1	-	-	-	7
Highway robbery	-	1	-	-	-	-	1	2
Larceny from house and housebreaking	1	-	-	-	3	-	-	4
Murder	16	21	14	25	17	26	31	150
Rape	1	3	5	4	4	-	3	20
Riotous assembly (attacking dwelling-houses, or otherwise felonious)	-	1	6	-	-	-	1	8
Robbery of arms	1	-	-	-	1	2	-	4
Shooting at persons	-	4	3	3	6	10	3	29
Totals	21	38	39	37	39	39	43	256

Prisons and Prison Discipline.—Our limits enable us to do little more than to advert to the most prominent circumstances which have led to the improvement of prisons in this country, the principal enactments which have been passed for their regulation, and the general character of the systems of prison discipline which now claim the attention of the public.

In the year 1773, Mr. Howard became High Sheriff of the county of Bedford, and in the discharge of his official duties was deeply affected with the miserable state of the prisons committed to his care. On extending his inquiries, he found that the gaols throughout England were in a lamentable condition; and, earnestly impressed with the duty of alleviating the sufferings which he witnessed, he determined to devote his life to the examination and reform of these abodes of wretchedness.

At that period the gaols were, with few exceptions, depositories of pestilence, and entirely neglected by those authorities under whose jurisdiction the law had placed them. Many consisted merely of small, filthy, and unventilated dungeons. The prisoners were, in too many cases, subjected to the cruel exactions of tyrannical gaolers, loaded with fetters, immured in loathsome cells, deprived of proper and sufficient food, air, and exercise; and to this treatment was exposed, in common with all others, the prisoner before trial, whom the laws presume innocent of crime. To their personal sufferings were added the most serious of moral evils. In the absence of control, inspection, employment, and religious instruction, the imprisonment could not fail to debase and harden, while it was at variance with the primary objects of penal justice.

For the eradication of the gaol distemper (a fatal malady from which few of our prisons were exempt), and the removal of many physical evils in the condition of the prisoner, the country is indebted to the persevering labours of this great philanthropist. The impression which his eminent services produced upon the public mind was, for a time at least, happily great. The attention of the legislature and the magistracy was awakened to the necessity of amending the laws for the government of prisons, and of personally superintending the management of them. The circumstances of the times combined also to enhance, in the public estimation, the importance of these investigations. The loss of the American provinces had deprived the government of the long accustomed channel for the disposal of convicts sentenced to transportation; and it was thought that many classes of offenders, heretofore sent abroad, might be corrected and reclaimed by imprisonment at home. In conformity with these views, an Act was passed in 1778 (19 Geo. III. c. 74.), "to explain and amend the Laws relating to the Transportation, Imprisonment, and other Punishment of certain Offenders." The main object of this measure was the establishment of penitentiary houses in this country; and the framing of the enactment was confided to Mr. Howard, Mr. Justice Blackstone, and Sir William Eden.

It is especially worthy of remark, that, in determining upon the nature of the discipline to be enforced in the penitentiary houses contemplated by this statute, these eminent men concurred in recom-

mending the individual separation of the prisoners. In the 5th section of the Act it is affirmed that "if many offenders convicted of crimes for which transportation has been usually inflicted, were ordered to solitary confinement, accompanied by well regulated labour and religious instruction, it might be the means, under Providence, not only of deterring, but also of reforming the individuals, and inuring them to habits of industry." Differences of opinion occurred among the supervisors appointed to carry this Act into effect, and the erection of penitentiary houses was not at that time proceeded with; but this circumstance did not check the spirit that was abroad for the improvement of the prison laws. The attention of the legislature having been directed to the deplorable state of the prisons generally, an Act was passed in 1781 (22 Geo. III. c. 54.) "for amending and rendering more effectual the Laws then in being relative to Houses of Correction." In this enactment, also, the legislature sanctioned the separation of prisoners. Houses of correction on the separate principle were erected at Horsham and Petworth, and in the construction of them every arrangement was made, with the view of carrying that principle into complete effect. Precautionary measures were taken against the transmission of sound from cell to cell. Cells sufficiently spacious for one individual, with a water-closet attached to each cell, were provided. There were separate stalls in the chapel, separate boxes for those who laboured together, and separate airing-yards. Encouraged by the successful administration of the separate system at those prisons, the magistrates of the county of Gloucester, in 1785, applied for and obtained an Act of Parliament for the erection of a penitentiary in that county. This prison was completed in 1790. Each prisoner had a separate cell, a room to sleep in, and another in which he was employed alone during the day; and although the separation was not carried out so completely as could have been desired, the discipline was attended with good effects. For a period of twenty years, during which the prisoners were separately confined, no single instance occurred in which the degree of solitude imposed was productive of any unfavourable result. Under the operation of this system at Horsham, Petworth, and Gloucester, we have the strongest testimony that re-committals had nearly disappeared. The health of the prisoners was excellent; their mental faculties unimpaired; their labour cheerful and constant; their behaviour orderly and submissive; and their moral and religious improvement satisfactory. But no sooner was the system broken in upon at these prisons, by the increase of population — and it became impracticable to continue to confine each prisoner in a separate cell — than these beneficial effects ceased to be apparent.

The actual state, however, of the prisons generally throughout the kingdom was but little affected by these enactments, and the plans which had been partially adopted for the introduction of an improved system. The more flagrant of the physical sufferings which Mr. Howard had exposed, were no sooner alleviated, than the interest which his labours had excited, in a great measure ceased. The prisons remained in a disgraceful state. Many dungeons still existed; and the health and even lives of prisoners were often sacri-

ficed to the want of cleanliness and proper ventilation. The moral effects of imprisonment were most injurious. All classes, — the young and old, the untried and convicted, the inexperienced and hardened, and in many cases even the sexes, — were indiscriminately associated, without employment, and allowed to indulge in nearly every species of corrupt intercourse. The attention of the legislature was drawn to the subject from time to time by the inquiries of parliamentary committees, and also by the reports of the "Society for the Improvement of Prison Discipline." * The information collected from these sources showed the necessity of further legislation; and an Act was accordingly passed in the year 1823 (4 Geo. IV. c. 64.) "for consolidating and amending the Laws relating to the building, repairing, and regulating, of certain Gaols and Houses of Correction in England and Wales." This Act extends to all county gaols, and seventeen of the largest prisons under corporate jurisdiction. For the regulation of all other prisons belonging to cities and boroughs, an Act was passed in the following year (5 Geo. IV. c. 84.), which relieves the smaller places of confinement from many of the provisions of the preceding Act.

It cannot be too deeply lamented, that the authors of this enactment (excellent as it is in most of its provisions) should have departed from the enlightened views of prison discipline contained in the Acts of the 19, 22, and 25 Geo. III., to which we have referred; and that, instead of adhering to the plan of individual separation, which was so strenuously advocated by the early reformers of prison discipline, as the only means of preventing the corrupt intercourse of prisoners, and which had proved so successful; the framers of this statute should have had recourse, as a substitute, to the division of prisoners into classes. By the 10th section, Rule 16., it is enacted, "That the male and female prisoners shall be confined in separate buildings or parts of the prison, so as to prevent them from seeing, conversing, or holding any intercourse with each other; and the prisoners of each sex shall be divided into distinct classes, — care being taken that prisoners of the following classes do not intermix with each other. — In gaols, — first, debtors and persons confined for contempt of court on civil process; second, prisoners convicted of felony; third, prisoners convicted of misdemeanors; fourth, prisoners committed on charge or suspicion of felony; fifth, prisoners committed on charge or suspicion of misdemeanors, or for want of sureties: — In houses of correction, — first, prisoners convicted of felony; second, prisoners convicted of misdemeanors; third, prisoners committed on charge or suspicion of felony; fourth, prisoners committed on charge or suspicion of misdemeanors; fifth, vagrants. Such prisoners as are intended to be examined as witnesses on behalf of the Crown, in any prosecution, shall also be kept separate in all and houses of correction.

Since the passing of this Act, the scale of classification which it prescribes has been generally observed, at least in the county prisons. We have now, therefore, had the experience of several years as to the

* Reports of the "Society for the Improvement of Prison Discipline, and for the Reformation of Juvenile Offenders," 1816—1832.

effect of classification in preventing moral contamination. And what, we ask, are the results? Are the gaols of this country no longer subject to the reproach of rendering more criminal those whom they ought to correct, and of demoralising those whom they should reform? To this inquiry we answer, that, with scarcely an exception, the prisons throughout the country inspire no salutary nor permanent dread, and afford — especially in regard to untried prisoners — as great facilities for the corruption of their inmates as was the case prior to the passing of this Act.

We can be at no loss to ascertain the causes of this failure. And, first, we would ask upon what principle is the classification of prisoners to be regulated, in order to prevent contamination? If by the technical character of the imputed offence, it is certain that, as crimes differing widely in magnitude are classed under general terms, prisoners of every variety of character must necessarily be placed together. Even were this not the case, the inefficiency of classification would be apparent from the fact, that many who have been before in prison for serious crimes, are subsequently charged with minor offences, and are consequently liable to be associated, on their commitment, with persons innocent of the crime imputed to them, and with young and inexperienced offenders.* If, again, the classification proceed on an assumed knowledge of character, by what means can such knowledge be attained? "In the consideration of this question, these evident truths seem not to have had their proper weight:—First, —that moral guilt is not the immediate subject of human observation; nor, if discovered, is it capable of being so nicely appreciated as to enable us to assign to each individual who may be infected with it, his comparative place in the scale; and, if it could be discovered, it would appear that no two individuals would be found contaminated in the same degree. Secondly,—that if these difficulties could be surmounted, and a class formed of individuals who had advanced exactly to the same point, not only of offence, but of moral depravity, still their association would produce a further progress in both. It is not in human nature that the mind should be stationary: it must advance in virtue or in vice. Nothing promotes this progress so much as the emulation created by society; and from the nature of that society will it receive its direction. Every association of convicts, then, that can be formed, will in a greater or less degree pervert, but can never reform, those of whom it is composed; and we are brought to the irresistible conclusion that classification, once admitted to be useful, is so in an inverse proportion to the numbers of which each class is composed. We cannot, therefore, wholly escape the evils of communication, unless we pass to the complete separation of the individual from every other prisoner."†

To counteract the evils of association in classes, a system has been adopted, under which, although prisoners are placed together, they

* "I gave up my idea of the value of classification, on seeing a person, who was tried for murder and escaped on a point of law, a few days afterwards associated with the cases for assault."— *Evidence of Samuel Hoare, Esq., before the Prison Committee of the House of Lords.* 1835.

† Third Report, Home Inspectors of Prisons, p. 33.

are strictly prohibited, by severe punishments, from holding any communication with each other by words, signs, or even looks. This discipline is known by the name of the Silent System; and, as this plan of prison government, and that of individual separation, excite at this time considerable attention, we proceed briefly to state the principal features of the respective systems, and the grounds on which we consider the superiority of the separate system to be established. The silent system fails to prevent mutual intercourse. Under the most vigilant superintendence, communications may be carried on by signs, and in a low tone of voice. The knowledge of this fact acts as a spur and incentive to the prisoner's ingenuity; and he is thus encouraged to have recourse to fraud and artifice to evade the prison regulations. The means by which alone the system can be enforced are objectionable, inasmuch as its maintenance depends on the infliction of numerous punishments. These punishments consist in the reduction of food, confinement in dark and ill-ventilated cells, and extra hard labour. The prisoner feels that these sufferings and privations are extra-judicial—that they are over and above the punishment to which he was sentenced by the court; and hence arise continual irritation, and a strong sense of being subjected to injustice and oppression. Upon the untried prisoner the discipline operates with peculiar hardship. His thoughts, instead of being directed to the preparation of his defence on his approaching trial, are necessarily occupied in learning and obeying the prison regulations, and in endeavouring to avoid the punishments which, for want of attention, he is at any moment liable to incur.

The following is a statement of the number of punishments which were inflicted in prisons conducted on the silent system in the year ending Michaelmas, 1837:—

Prisons.*	Number of Punishments in the Prison in the Course of the Year.		Number of Prisoners in the Course of the Year.	
	Males.	Females.	Males.	Females.
Coldbath Fields House of Correction - - -	11,428	2,384	6,625	3,125
Wakefield - - -	10,822	1,623	2,860	578
Salford - - - -	3,792	389	5,447	2,310
Knutsford - - -	1,265	85	1,168	281
Westminster Bridewell -	3,532	1,316	3,085	2,239
Stafford - - -	188	44	2,046	231
Brixton - - -	898	273	2,167	1,118

The silent system is opposed to the reformation of the prisoner. The close and constant watch to which every act and even look is subjected—the mental irritation produced by the dread or infliction of punishment—have a powerful tendency to banish reflection, prevent self-communion, and to close the heart against religious impressions.

The daily assembling of prisoners in sight of each other, notwithstanding that silence may be strictly enforced, exposes them to recog-

* Third Report, Home Inspectors of Prisons, p. 34.

nition on their discharge. Reformation is thus discouraged. A man unjustly accused may be ruined for ever in his reputation from the mere circumstance of being placed for a period, however short, with depraved associates. The evils of recognition are encountered, also, by the offender who may be led to repent of his crimes, and may desire to return to honest courses; for, on his discharge, he is liable to constant exposure from his prison companions. Again, the power of recognition operates most injuriously in the case of the hardened convict resolved to persevere in crime. Among such characters, acquaintanceship by sight soon ripens into intimacy on leaving the prison, and leads to results alike mischievous to the offender and to the best interests of society. From these objections the system of individual separation is wholly free. Nothing can be more unfair than to confound that system with the ideas which are generally attached to the term "Solitary confinement." — Separate confinement differs from solitary confinement both in its *nature* and *design*. Solitary confinement is universally and correctly understood to be a condition of as unmitigated, uninterrupted seclusion from human society as is practicable, often in dark or gloomy cells of small dimensions, ill ventilated, often damp, and destitute of those accommodations necessary for the prisoner's convenience: his diet being generally restricted to mere bread and water. Separate confinement is totally different in its nature from this. It differs from it in the following particulars: — In providing the prisoner with a large, well-lighted, and well-ventilated apartment, instead of immuring him in a confined, ill-ventilated, and dark cell; — in providing the prisoner with every thing that is necessary for his cleanliness, health, and comfort during the day, and for his repose at night, instead of denying him these advantages; — in supplying him with sufficient food of wholesome quality, instead of confining him to bread and water; — in alleviating his mental discomfort, by giving him employment; — by regular visits of the officers of the prison, — of the governor, surgeon, turnkeys, or trades' instructors, and particularly of the chaplain, — instead of consigning him to the torpor and other bad consequences of idleness, and the misery of unmitigated remorse, resentment, or revenge; — in separating him from none of the inmates of the prison except his fellow-prisoners, instead of cutting him off, as far as may be, from the sight and solace of human society; — in allowing him the privilege of attending both chapel and school, for the purpose of public worship and education in class (securing on these occasions his complete separation from the sight and hearing of his fellows), instead of excluding him from divine service and instruction; — in providing him with the means of taking exercise in the open air whenever it is proper and necessary, instead of confining him to the unbroken seclusion of his cell. — Separate confinement also differs from solitary confinement in its *object*. The object of separate confinement is the permanent moral benefit of the prisoner; an object which he can plainly see that the system has in view. The object of solitary confinement is solely to punish the prisoner, principally for violating the prison regulations; and that, too, by means always harsh and severe, and often vexatious and exasperating; and this, not to effect a lasting moral benefit to himself, but to uphold the prison dis-

cipline at the price of severe bodily and mental suffering. Under the separate system, an appeal is made to the moral sense and understanding of the prisoner: he is treated as a man, and with the respect and benevolence due to humanity, even in its lowest debasement. Under solitary confinement, on the other hand, the offender is treated as a being divested of the common rights, capacities, and feelings of human nature. It is upon his corporeal frame that the punishment is designed to act; no attempt, or but little, is made to appeal to his reason and conscience. This treatment tends to harden, provoke, and brutalise; whereas the other is fitted and designed to induce reflection, kindliness, gratitude, and amendment. In short, separate confinement is the separation of each offender from all communication and association with his fellow-offenders; regard being had to his bodily health, his mental sanity, his intellectual improvement, and his amendment, by inculcating industrious habits, and by religious and moral instruction. Solitary confinement is the seclusion of the prisoner, as far as is practicable, from all human society, attended with privations both bodily and mental, which are intended merely to inflict punishment, to subdue obstinacy of temper, and to uphold authority by the operation of pain and fear. It employs harsh measures to effect a temporary purpose.*

The application of the separate system to the untried has been opposed on the ground of its presumed severity. But, by well-regulated minds, the seclusion would be felt as a boon and a protection. The prisoner enjoys the privilege of seeing his friends; has every facility for consulting with his legal adviser; sends and receives letters; is permitted to have unobjectionable books; receives suitable articles of food; has the option of any employment that can be conveniently furnished to him: he is exempted from all discipline that is calculated to create irritation; he is tempted to commit no violation of prison rules; and he is consequently, in a great measure, spared the infliction of prison punishments: he is exposed to no quarrels with, and he is protected from the assaults of, his fellow-prisoners: his mind cannot be demoralised by the relations of the burglar, nor the language of the blasphemous and obscene.

But although, to the untried, separate confinement is a privilege; yet, when strictly enforced, and divested of all indulgences, it becomes the most efficient and salutary of all punishments. The convict is confined alone, by day and by night, in a cell fitted up with every convenience essential to ensure ventilation, warmth, cleanliness, and personal exercise. Whatever is necessary for the preservation of the prisoner's health is strictly attended to; but no indulgence, in any shape, is extended. The distinctions observed in the treatment of the untried and convicted are broad and definite. It has been seen that, under this system, the untried are permitted to receive visits from their connections; the convicted are prohibited from this intercourse: the untried may also communicate with their friends by letter; the convicted have no such privilege: the untried are allowed to receive food beyond the prison diet; the convicted are rigorously restricted to

* Third Report of Home Inspectors of Prisons, p. 13.

the prescribed ration: with the untried, employment is optional; upon the convicted a daily task of labour is imposed.

The advantages of individual separation are not merely of a preventive character. It not only renders corrupt intercourse impracticable, but it affords to the prisoner direct and peculiar facilities for reflection and self-improvement. In the retirement of the cell, the prisoner is not only cut off from the means of being rendered a worse, but he is placed in a situation in which he may become a better, man. He has the most favourable opportunities of promoting his own moral and religious improvement: he is furnished with the Holy Scriptures, visited by a minister of religion, has the privilege of attending public worship, and is provided with books adapted to his situation. Nor are the benefits of the system limited to the period of his imprisonment. It is one of the most distinctive features of that system, to prohibit each prisoner, during the whole term of his confinement, from seeing another prisoner. Thus, exposure to recognition, on the return of the prisoner into society, is wholly prevented.

If it be alleged that this discipline is unsafe and unreasonably severe it is only necessary, in reply, to refer to those prisons in which the separate system has been most extensively and for the longest period enforced. The system has now been in successful operation at the Eastern Penitentiary in Philadelphia for nine years. In the last official Report of this Penitentiary, the inspectors state, "that there are some prisoners now in this Institution, who have been in confinement for eight years, some six, and some four years, and all of them in good health. Among the healthiest prisoners are those who have been the longest time in prison; and not a single instance of mental derangement, it is believed, has been caused by separate and solitary confinement." This Penitentiary, as well as other prisons on the separate system in the United States, has been subjected, in its principles, details, and results, to the minute personal investigation of commissioners sent from France, England, Prussia, and the Canadas; and these gentlemen have concurred in declaring themselves decidedly in favour of the system.

The views which have been given of the advantages of separate confinement have been adopted by Her Majesty's Government, as will appear from the following extract of a letter, addressed, in August, 1837, by the Secretary of State for the Home Department, to the magistrates assembled at quarter sessions of the peace, and to the justices of boroughs: —

"I proceed to lay before you the grounds upon which I am disposed to concur with the Home Inspectors, in the opinion that any new prisons to be erected should be constructed with a view to separate confinement.

"The plan which has of late years been most generally adopted, in order to prevent the evils of contamination, proceeds on the principle of separation at night, and strict silence during the hours of labour. This plan is subject to the following objections: —

"1. It requires numerous punishments in the gaol. You will observe, from the Report of the Coldbath Fields Prison, and from that of the Wakefield House of Correction, contained in the Report of

the Inspector of the Northern District, that these punishments are large in number, and exceedingly vexatious in their nature. This practice is of itself a strong objection to the plan: it varies the punishment unequally in different cases; and the imprisonment contemplated by the sentence is thus aggravated by the infliction of fresh penalties.

"2. A feeling of continual irritation is kept up, both by the observance of the rule, and by the punishment for its violation. Persons confined in a prison should, if possible, be reduced to a quiet and submissive state,—whereby they may at leisure reflect on the evil of the course they have pursued, and some chance be afforded of their reformation. Instead of this, prisoners confined in society, and not debarred from communication, are invited, as it were, to a perpetual battle with authority, and go out of prison provoked, rather than subdued, by the punishment they have undergone.

"3. The low diet, which is one of the punishments frequently inflicted, has often an injurious effect on the health, while it does not prevent a repetition of the offence.

"4. This system cannot be kept up without perpetual vigilance on the part of a very numerous body of keepers. The system is therefore combined, almost of necessity, with the very injurious practice of employing prisoners as wardsmen; by which means, a person convicted of crime, and degraded by the sentence of imprisonment, is immediately placed in a situation of power and authority, and considered as worthy of trust and indulgence. Besides this anomaly, so contrary to all sound notions of prison discipline, the practice alluded to gives rise to much intrigue and favouritism—every prisoner being anxious to obtain the place of wardsman, and, when so employed, dispensing favour to those of the convicts with whom he has the most intimate connection.

"For these reasons, and others, I am disposed to believe that the silent system, if fully carried into effect, would be attended with much evil. But there are, in fact, very few prisons where the vigilance and activity of the Governor of the prison have been such as to make the system really effective; and in all such cases, while noise and uproar are repressed, contamination exists to the most pernicious degree.

"I should therefore be anxious to see the system of separation adopted in all new prisons, and, as far as it is practicable, in those already constructed: but great care must be taken, when this system is put into operation, not to confound *separate* with *solitary* confinement.

"It is generally understood that solitary imprisonment implies confinement in a gloomy and narrow cell, without occupation, and with a diet of bread and water only. Separate confinement, as recommended by the Inspectors of the Home District, means, on the other hand, confinement in large, airy, light, well-warmed, and ventilated cells, with moral and religious instruction, regular employment, and the daily visits of the chaplain and officers of the prison, as well as of those engaged in the instruction of the prisoners.

"It is obvious that this system of confinement would be subject to

a very unfair experiment, if it were tried where there do not exist the means of setting apart cells of proper dimensions and wholesome ventilation; or, if the prisoners so confined should be left, without employment or instruction of any kind, to brood over their melancholy condition.

"Where, however, these precautions can be observed, and are properly attended to, there can be no reason to doubt that, whatever be the result with respect to the more hardened offenders, opportunity will be given for saving, from a course of crime and disgrace, those young and casual offenders, whose previous good character is a proof that their crimes are not the result of confirmed habits. According to the system still too generally prevalent, such offenders, in being sent to gaol, are in fact sent to a school where elaborate instruction is given for the violation of the laws, and where the sense of shame is destroyed by the number and confidence of guilty companions. By the regulations of the separate system, such persons would be strictly separated from all other criminals, would have the means of repenting of their offences, and, when discharged, would not be liable to be claimed and recognised by convicts who had been inmates with them in the same prison."

Having described the respective systems of prison discipline, which now claim the attention of the public, it remains for us but to state, that the present condition of the prisons throughout the kingdom is such as to call for immediate amendment. There exists in their management a lamentable want of system and uniformity. Whether the prisoners are indiscriminately placed together, or classed agreeably to the provisions of the law, the evils consequent upon association almost universally prevail. Idleness, in the case of the untried, is a prolific source of demoralisation. Silence, although nominally enjoined on the convicted, is in but few cases rigidly enforced. In many prisons several prisoners are crowded at night in small apartments; and moral and religious instruction, when attended to, is generally administered under such unfavourable circumstances, arising from the association of the prisoners, as to be productive of little or no benefit. The consequences of this laxity and neglect are, that the most important objects of criminal justice are frustrated; imprisonment inspires the offender at large with no salutary dread; while its effect on those in confinement is to vitiate rather than deter, and harden rather than reform.

Until, however, prisons are conducted on the principle of individual separation, no material improvement can take place in their regulation and discipline. The existing plans — whether those of indiscriminate association, classification, or silence — are radically vicious. The errors of those plans are far too important, and too deeply seated, to be removed by modifications or palliations of any description. The great master-evil is association, and the remedy is only to be found in the entire separation of prisoner from prisoner.

By the 5 and 6 William IV. c. 38. s. 5. it is enacted, that all rules and regulations for the government of prisons are to be submitted to the Secretary of State for the Home Department, who may, if he thinks fit, alter them, or make additional rules; and no rules can

be legally enforced, until the Secretary of State shall have subscribed a certificate or declaration that they are proper to be enforced. In case the Clerks of the Peace neglect to submit the regulations to the Secretary of State, agreeably to the provisions of the statute, he may certify such rules as he may deem proper for the government of such prisons. By this act, also, power is given to the Secretary of State to appoint inspectors, not exceeding five, to visit and report upon the several prisons. The inspectors are required to submit their reports annually to the Secretary of State, and copies of them are to be laid before parliament.

The following information is extracted from the returns furnished by the governors of the several prisons to the Home Inspectors, relative to the number of commitments in the year ending Michaelmas, 1837: —

There are in England and Wales 13 county gaols, not being also houses of correction; 33 county gaols, which are also houses of correction; 45 county houses of correction, not being also common gaols; and 126 borough prisons.

In the course of the year, there were committed to the several prisons 85,095 males, 24,400 females; total, 109,495 prisoners. Of these, were committed on summary jurisdiction, 45,327 males, and 14,037 females; total, 59,364. The greatest number in custody at one time, in the course of the year, was 14,952 males, and 3,183 females; total, 18,135. The number of punishments inflicted for offences committed within the prison, was, on males, 45,673; on females, 9,152; total, 54,825. The number of prisoners sentenced to hard labour was, males, 39,499; females, 12,780; total, 52,279. The number of deaths, males, 256; females, 51; total, 307.

The number of re-commitments is considerable: 5,190 have been committed twice; 2,312, three times; and 4,454, four times or oftener.

The prisoners for debt are very numerous. The total number confined in the year ending Michaelmas, 1837, was 11,888. This number, however, does not include the prisoners in the King's Bench, Fleet, and Marshalsea. As the late alteration in the law, respecting imprisonment for debt affects only arrests on mesne process, the measure will not materially diminish the number of debtors in prisons; the great majority of whom are imprisoned in execution.

The number of vagrants committed to the several prisons in the year ending Michaelmas, 1837, was, males, 10,951; and females, 7,499; total, 18,450: persons committed under the game laws, 2,890: convicted of assaults, males, 6,030; females, 998; total, 7,028: as reputed thieves, males, 2,386; females, 469; total, 2,855. Of the latter class, of course, the number of re-commitments is numerous.

Food, &c. — The daily allowance of food differs considerably. At some prisons bread is only furnished, the quantity varying from 1¼ lb. to 2 lbs. daily; where additional diet is allowed, meat, soup, potatoes, porridge, and cheese, are provided in different proportions. This want of uniformity causes a great difference in the weekly cost. The total expense of the prisons in England and Wales, not including the cost of alterations and repairs, in the year ending Michaelmas,

1837, was 243,989*l.* 13*s.* 9¼*d.*; the total receipts of the prisons, 21,711*l.* 19*s.* 2¾*d.*; making the net actual cost of the prisons, to the several counties, cities, and boroughs, 222,277*l.* 14*s.* 6½*d.*

Juvenile Offenders.—The injurious consequences arising from the injudicious treatment of youthful offenders, by subjecting them indiscriminately to the same penal discipline as adults, has long been felt; and government, in the last session of parliament (1838), obtained the authority of the legislature for establishing a national prison expressly for this class of delinquents. A portion of the site, known as Albany Barracks, near Newport in the Isle of Wight, has been fixed upon for the purpose, and the buildings are now erecting under the direction of Mr. Sidney Smirke. The secretary of state is empowered by the act to direct the removal of any youthful offender, under sentence of transportation or imprisonment, to this establishment, there to undergo his sentence. This act also contains a most salutary clause, which, as it introduces a new principle, it is necessary to explain more at large. It has been frequently the practise to extend the mercy of the Crown to many of these juvenile delinquents, upon the condition of their placing themselves at some charitable institution, such as the Refuge for the Destitute. This they have done; and, in many instances, have subsequently absconded, or misconducted themselves with impunity. The 11th clause gives authority to a justice of the peace, upon the oath of one credible witness, to commit the offender for such breaches of the conditional pardon at any gaol or house of correction for three or six months, there to be kept at hard labour; such imprisonment to be in addition to the original sentence.

We rather incline to the opinion that the vast increase said to have taken place in the number of juvenile offenders has never been fairly tested by comparison, and that, however large the gross amount may appear at the present time, it is no cause for alarm, and is, in some degree, accounted for by greater accuracy in the statistical returns, and more particularly to the introduction of well organised bodies of police throughout the country.

The annual average number of prisoners, not exceeding the age of sixteen years, committed to the various prisons of London, Middlesex, and Surrey was 3,224 for 1836 and 1837. The following return will also convey some idea of the number of youthful offenders in the large commercial towns in the provinces:—

A Return of the Number of Male Thieves and Suspicious Characters, under the age of 18 years, brought before the Magistrates for the Borough of Liverpool for four years, commencing 1st July, 1833, and ending 30th June, 1837.

	12 Years and under.	15 Years and not above 15.	16 Years and not above 18.	Total Number in Custody.	Committed.	Discharged.
1st July 1833, to 30th June 1834	218	470	338	1,026	330	696
1st July 1834, to 30th June 1835	153	397	374	924	378	546
1st July 1835, to 30th June 1836	192	564	510	1,266	543	723
1st July 1836, to 30th June 1837	307	774	778	1,859	882	977
Total in 4 Years	870	2,205	2,000	5,075	2,133	2,942

Scottish Prisons.—It appears by the Second Report of the Inspector of Prisons for Scotland, that, counting prisons of every kind,

there are about 170. Of these, however, nearly 70 are mere lock-up houses, and 80 more are small burgh prisons, most of which are very unsuitable for their purposes. Of the remaining prisons (21 in number), only 8 are described as being in a tolerably good state, while some of the others are among the very worst prisons in the country. This is indeed a sad enumeration! The average number of prisoners in Scotland, Mr. Hill, the Inspector, states to be nearly 1,600; viz. about 1,460 criminals, about 30 revenue prisoners, and about 80 debtors. Of the criminals, 930 are males, and 530 females. The revenue prisoners and the debtors are almost all males. One circumstance which strikes us particularly in this statement, is the small number of debtors. This, as Mr. Hill explains, is owing partly to the operation of the act for abolishing imprisonment in Scotland for sums under 8*l.* 6*s.* 8*d.*, and of the act relating to the *cessio bonorum*, and owing also to the feeling which is every day gaining strength against the punishment of imprisonment for debt. The total annual cost of the prisons of Scotland, Mr. Hill states to be about 14,500*l.*, or about 9*l.* 10*s.* per head; and he gives a table showing the annual cost of each separate prison, excepting some of the very small ones. This table displays great diversity; the cost of the inmates of some of the prisons being six or seven times as great as that of others.

Mr. Hill classes the defects of the Scottish prisons under the following heads: —

1. Want of the means of separation of prisoner from prisoner, and of the means of preventing intercourse from without.

2. Want of employment, and of a provision for instructing the prisoner in a trade, or other means of earning an honest livelihood, on leaving prison.

3. Want of mental, moral, and religious instruction.

4. Insecurity of the prisons.

5. Want of arrangements for securing that the condition of prisoners shall in no respect be better than that of honest labourers.

6. Great expense of many of the prisons, especially the smaller ones.

7. Frequent incompetency of the keepers of the prisons, and want of female officers.

8. Want of the means of inspection.

9. Want of cleanliness and ventilation.

10. The excessive quantity of time which the prisoners pass in bed.

11. Want of an adequate motive in the separate burghs and counties for taking effectual measures for preventing the recurrence of crime, and for promoting the reform of the offender.

12. Paralysing effect on the administration of criminal justice, arising from the bad state of the prisons.

13. Injustice of the present system, which often entails considerable expenses on a small burgh or county, in the punishment of offenders not residing within it, and for whose crimes it is not justly accountable.

For remedying these evils, and establishing a uniform and efficient system of discipline, Mr. Hill recommends that all peculiar and local

interests, and burdens relating to prisons should be done away with; and that the whole cost of the prisons of Scotland should be paid out of one general fund, to be placed under the direction of a Board, which shall be charged with the entire management of the prisons: also, that three or four large prisons or penitentiaries be provided to serve for the whole of Scotland, instead of attempting to have a complete and separate establishment in each county; and that the local prisons be used only for short periods of confinement. A bill, embodying these recommendations was introduced by government in the last session of Parliament, but was stopped by the death of the king.

The Glasgow Bridewell is by far the best managed of the Scotch prisons, and is, indeed, one of the very best that is any where to be met with. It approximates in its plan to that of some of the American penitentiaries. The leading principles on which it is conducted are, the full employment of the prisoners, and their total separation from each other. The employment is of various kinds, according to the age and capacity of the individual. The prisoner works 11 hours a day, beginning at six in the morning, summer and winter, and continuing, with short intermissions, till eight at night, when his hammock is brought down into the room, and he goes to bed. "This round continues day after day, and night after night, through the whole period of his confinement; during which he scarcely ever sees the face, or hears the voice of a fellow-prisoner; and this total seclusion from the corrupting society of his companions is brought about without the infliction of great mental suffering, as is proved by the fact, that the prisoners enjoy as high, nay a higher, degree of health while in the bridewell, than persons of the same class of life do when at large." Hence, also, instead of being a heavy burden on society, the Glasgow Bridewell nearly supports itself. The total cost, including the salaries of officers, &c., of the prison in 1835 was 2,506*l.*; and of this sum no less than 1,868*l.* was defrayed by the labour of the prisoners, leaving only 638*l.* to be made up by the city and the county! The average number of prisoners in the gaol was 339; so that they did not really cost, deducting their earnings, more than 1*l.* 17*s.* 7*d.* each! This, however, was an unusually favourable year; and in ordinary years the expense of the prisoners amounts, deducting as above, to about 2*l.* 10*s.* each.

Irish Prisons. — The statute 7 Geo. IV. cap. 74. "for the better Regulation of Prisons in Ireland," was framed on the basis of the English Gaol Act; but, by the new law, a power was vested in the Irish government of appointing two inspectors-general, whose duty is to visit the prisons of Ireland, to suggest improvements in their construction and regulation, and to report annually to government on their condition. The grand juries of each county and city are also required to appoint a board of superintendence, and a local inspector, whose duty it is to visit the prison twice, at least, in every week. Much benefit has been derived from the adoption of these measures. Before the act in question, the gaols were in a deplorable condition, but various improvements have since been effected. Tread-wheel labour and employments of various kinds have been introduced into

several county prisons; and increased attention is paid to moral and religious instruction. To comply with the provisions of the Act, it was found necessary to build new gaols in several counties, and to enlarge others. Many of the small bridewells and prisons belonging to local jurisdictions have been abolished in pursuance of the statute.

In Ireland there are 40 county and city gaols, subject to the visits of the Inspectors, and 100 houses of correction and bridewells. 24,463 persons were committed to the different gaols and houses of correction in Ireland in 1837, besides 8,769 persons committed for drunkenness.

CHAPTER V. — Improvements in Food, Clothing, and Lodging. Classification and Income of the People.

To enter fully into the consideration of these interesting subjects would require, not a short chapter, but a large volume. The real influence and practical operation of improvements in the arts and sciences is to be measured by their influence over the condition of the great bulk of the people; and, tried by this test, it will be found in Great Britain, as in most other countries, that they have been singularly advantageous. The comforts of *all* classes have been wonderfully augmented within the last two centuries. The labouring orders have, however, been the principal gainers, as well by the large numbers of them who have succeeded in advancing themselves to a superior station, as by the extraordinary additional comforts that now fall to the share even of the poorest individuals. From the age of Henry VII. improvement in England has, a few short intervals only excepted, been uniformly progressive; and, since 1760, its advance has been rapid beyond all former precedent. The vigorous and selfish policy of Henry, assisted, no doubt, by the course of events, subverted the foundations of the feudal system, and provided for the exaltation of the Crown and the law upon the ruins of the feudal nobility. The Reformation in the next reign, the rise of foreign commerce in the reign of Elizabeth, and the foundation of the colonies in North America and the West Indies in the reign of James I., gave a stimulus to industry and improvement which even the civil wars could not countervail; but which did not receive its full development till after the Restoration, or rather till after the peace of Paris in 1763. Without going farther back, we may mention, in proof of the disorderly and wretched state of the population in the early part of the sixteenth century, that Harrison tells us (*Description of Britain*, p. 186.), that 72,000 "great and petty thieves were put to death during the reign of Henry VIII." This account of the disorderly state of the kingdom, at the period in question, is corroborated by a statement preserved by Strype, written by an eminent justice of Somersetshire in 1596, wherein it is stated that "Forty persons had been executed (in that county), in a year, for robberies, thefts, and

other felonies; 35 burnt in the hand; 37 whipped; 183 discharged: that those who were discharged were most wicked and desperate persons, who never could come to any good, because they would not work, and none would take them into service: that, notwithstanding these great number of indictments, the fifth part of the felonies committed in the county were not brought to trial; and the greater number escaped censure, either from the superior cunning of the felons, the remissness of the magistrates, or the foolish lenity of the people: that the rapines committed by the infinite number of wicked, wandering, idle people were intolerable to the poor countrymen, and obliged them to a perpetual watch of their sheep-folds, pastures, woods, and corn-fields: that the other counties of England were in no better condition than Somersetshire; and many of them were even in a worse: that there were, at least, 300 or 400 able-bodied vagabonds in every county, who lived by theft and rapine, and who sometimes met in troops to the number of 60, and committed spoil on the inhabitants; that, if all the felons of this kind were reduced to good subjection, they would form a strong army: and that the magistrates were awed, by the associations and the threats of confederates, from executing justice on the offenders."—(*Strype's Annals*, vol. iv. p. 290.)

These disorders were partly, no doubt, occasioned by the dissolution of the monasteries, the consolidation of small farms, and, more than either or both of these causes, by the depreciation of the value of money, caused by the discovery of the American mines, and the enfeebling of the standard by Henry VIII. The necessity of providing some remedy for these aggravated disorders, or rather for obviating the poverty and destitution in which they mainly originated, led to the final establishment of the poor laws. But, independently of the accidental circumstances now adverted to, the condition of the great bulk of the people in the sixteenth century was the most depressed imaginable. "The bread throughout the land," says Harrison, who wrote in the reign of Elizabeth, "is made of such graine as the soil yieldeth; neverthelesse the gentilitie commonlie provide themselves sufficientlie of wheat for their owne tables, whilest their household and poore neighbours, in some shires, are inforced to content themselves with rie or barleie; yea, and in time of dearth, manie with bread made either of bran, peason, or otes, or of altogether, and some acorns among; of which scourge the poorest doe soonest tast, sith they are least able to provide themselves of better. I will not saie that this extremitie is not so well to be seene in time of plentie as of dearth; but, if I should, I could easilie bring my triall."—(*Description of England*, p. 168.)

Sir F. M. Eden, whose elaborate researches have thrown much light on this subject, truly states that the substantiality of diet, for which the sixteenth century is renowned, was confined chiefly to the tables of persons of rank. "A maid of honour, perhaps, breakfasted on roast beef; but the ploughman, in these good old times, as they are called, could, I fear, only banquet 'on the strength of water gruel.'"—(*State of the Poor*, vol. i. p. 116.)

But, if their provisions were coarse and deficient, their clothing

and lodging were incomparably more so. The houses, even of the rich and great, were, in the sixteenth century, mostly destitute of glass windows; and the cottages of the poor were not only universally without them, but also without chimneys! The luxury of a linen shirt was confined to the higher classes. The cloth used by the bulk of the people was mostly of home manufacture; and, compared with what they now make use of, was at once costly, coarse, and comfortless. All classes, from the peer to the peasant, were universally without many articles the daily enjoyment of which is now deemed essential even by the poorest individuals. Tea and coffee were then wholly, and sugar almost wholly, unknown: and, notwithstanding all that is said of the rude hospitality, and of the consumption of ale and beer, in these remote times, it is abundantly certain that the labouring classes consume at this moment ten times more malt liquor than their ancestors ever did in either the fifteenth or the sixteenth century.

The superior condition of the people in our own times over that of their ancestors in the periods alluded to above is, indeed, too obvious to be disputed by any one acquainted with the facts. But their superior condition at the present moment, as compared with their condition a century ago, or in the reign of George II., may not, perhaps, be so generally admitted. In point of fact, however, the progress of improvement since the middle of last century has been even more rapid than at any former period. It will not be difficult to demonstrate this.

Mr. Charles Smith, the well-informed author of the tracts on the corn trade, estimated the population of England and Wales, in 1760, at 6,000,000, which, as we have previously seen (*antè*, 406.), was pretty near the truth. He then estimated the consumers of each sort of grain, the quantity consumed by each individual, and consequently the whole consumed by man, as follows: —

Estimated Population of England and Wales.	Average Consumption of each Person.	Consumed by Man.
3,750,000	Consumers of wheat, at 1 quarter each	3,750,000 quarters
739,000	— of barley, at 1⅔ —	1,016,125 —
888,000	— of rye, at 1⅛ —	999,000 —
623,000	— of oats, at 2⅞ —	1,791,225 —
	Consumed by man - - -	7,556,350 qrs. *

Now, it will be observed, that, of the 6,000,000 of people in England and Wales in 1760, Mr. Charles Smith tells us, that no fewer than 888,000 fed on rye. But at present we are quite sure there are not 20,000 who use that species of grain. The rye eaters have universally almost been changed into wheat eaters; and, except in the county of Durham, where a mixture of wheat and rye, called *maslin*, is grown, the culture of rye is almost unknown. Nearly the same

* Tracts on the Corn Trade, 2d ed. p. 140.

may be said of the consumption of barley. In the northern counties of England, at the middle of last century, and for long after, very little wheat was used. In Cumberland, the principal families used only a small quantity about Christmas. The crust of the goose-pie, with which every table of the county is then supplied, was, at the period referred to, almost uniformly made of barley-meal. (*Sir F. M. Eden on the Poor*, vol. i. p. 564.) But no such thing is now ever heard of, even in the poorest houses. Almost all individuals use wheaten bread, at all times of the year. It is, in fact, the only bread ever tasted by those who live in towns and villages, and mostly, also, by those who live in the country.

It has been the same every where throughout the kingdom. In Cornwall, from 30 to 40 years ago, the small farmers, with the agricultural labourers, and those employed in the mines, almost invariably used barley; but at present they do not use it to any thing like the same extent as formerly, and in many extensive districts it has been entirely abandoned.* The same thing has happened in Somersetshire, and in every other county where either barley or oats was formerly made use of. Wheat is now the all but universal bread-corn of England; and in some of the manufacturing towns, within the last few years, the use of the inferior sorts of wheaten bread has been a good deal restricted; and is rejected, indeed, by all but the very lowest and poorest classes.

The change that has taken place during the last half century in the consumption of butcher's meat, is still more extraordinary than that which has taken place in the consumption of corn. The quantity made use of has been wonderfully increased, and its quality signally improved. From 1740 to about 1750, the population of the metropolis fluctuated very little; amounting, during the whole of that period, to about 670,000 or 675,000. Now, during the 10 years ending with 1750, there were, at an average, about 74,000 head of cattle, and about 570,000 head of sheep sold annually in Smithfield market. In 1831, the population had increased to 1,472,000, or in the ratio of about 218 per cent.: and at an average of the 3 years ending with 1831, 156,000 head of cattle, and 1,238,000 head of sheep were annually sold in Smithfield; being an increase of 212 per cent. on the cattle, and of 217 per cent. on the sheep, as compared with the numbers sold in 1740-50. It consequently appears that the number of cattle and sheep consumed in London has increased, since 1740, about in the same proportion as the population. The weight of the animals has, however, a good deal more than doubled in the interval. In the earlier part of last century, the gross weight of the cattle sold at Smithfield did not, at an average, exceed 370 lbs., and that of the sheep did not exceed 28 lbs.; whereas, at present, the average weight of the cattle is estimated at about 800 lbs., and that of the sheep at about 80 lbs. (Vol. I. p. 488.) Hence, on the most moderate computation, it may be affirmed that the consumption of butcher's meat in the metropolis, as compared with the population, is twice as great at this moment as in 1740 or 1750.

* Evidence of Edward Coode, Esq., *Report of* 1833 *on the State of Agriculture*, p. 169.

In most other parts of the country, the increase in the consumption of butcher's meat has been even greater. In thinly peopled agricultural districts very little is consumed, but in manufacturing and commercial towns it is quite the reverse; and their vast increase during the last half century more than justifies the inference that there has been, at least, a corresponding increase in the consumption of butcher's meat.

The above statements apply only to the changes that have taken place in the condition of the people of England and Wales; but the change that has taken place in Scotland since the beginning and middle of last century has been still more striking and extraordinary. At the periods referred to, no manufactures, with the exception of that of linen, had been introduced into Scotland. Its agriculture was in the most wretched state imaginable; and the inhabitants were miserably supplied, even in the best years, with food, and were every now and then exposed to all the horrors of famine.

The details already laid before the reader have shown the extreme prevalence of outrage and disorder in England in the sixteenth century: but Scotland was a prey to the same sort of disorders so late as the end of the seventeenth and the beginning of the eighteenth centuries. In one of the Discourses of the celebrated Scotch patriot, Fletcher of Saltoun, written in 1698, we find the following statement: —

"There are at this day in Scotland (besides a great many poor families, very meanly provided for by the church boxes, with others who by living on bad food fall into various diseases) *two hundred thousand* people begging from door to door. These are not only no way advantageous, but a very grievous burden to so poor a country. And though the number of them be, perhaps, double to what it was formerly, by reason of this present great distress, yet *in all times* there have been about 100,000 of those vagabonds, who have lived without any regard or subjection either to the laws of the land, or even those of God and nature: fathers incestuously accompanying with their own daughters, the son with the mother, and the brother with the sister. No magistrate could ever discover, or be informed which way one in a hundred of those wretches died, or that ever they were baptised. Many murders have been discovered among them; and they are not only a most unspeakable oppression to poor tenants (who, if they give not bread, or some kind of provision, to perhaps *forty* such villains in one day, are sure to be insulted by them), but they rob many poor people who live in houses distant from any neighbourhood. In years of plenty many thousands of them meet together in the mountains, where they feast and riot for many days; and at country weddings, markets, burials, and other the like public occasions, they are to be seen, both men and women, perpetually drunk, cursing, blaspheming, and fighting together." *

We suspect there must be some exaggeration in this striking paragraph; for, as Scotland did not, at the period referred to, contain more than a million of inhabitants, it is difficult to suppose, notwithstand-

* *Fletcher's Works*, p. 144. ed. 1737.

ing the peculiar distress by which she was then visited *, that 200,000 persons, or a *fifth part* of the entire population, could be given up to the mendicancy and disorders described above. But the intelligence and good faith of Fletcher are unquestionable; and there cannot be the shadow of a doubt that the disorders to which he refers were of long standing, and upon the most gigantic scale, and that he did not believe he had in any degree over stated them. Indeed, so impressed was he by the idleness and crime then so prevalent, and by the enormities he had witnessed, that, to introduce good order and industry, he did not scruple to recommend the establishment of a system of predial slavery, to which the vagabonds in question and their children should be subjected! The nature of the proposed remedy shows what the disease must have been.

The establishment of schools, and of a more vigorous and impartial system of government, happily succeeded in repressing these disorders. But the people of Scotland continued, till a comparatively recent period, without manufactures or trade, and were involved in the extreme of misery and destitution. The following authentic paragraph, extracted from the statistical account of the parish of Meigle in Strathmore, contributed by the late Rev. Dr. Playfair, of St. Andrew's, may be considered as applying to the whole surrounding district: —

"Since the year 1745, a fortunate epoch for Scotland in general, improvements have been carried on with great ardour and success. At that time the state of the country was rude beyond conception. The most fertile tracts were waste, or indifferently cultivated. The education, manners, dress, furniture, and tables of the gentry were not so liberal, decent, and sumptuous as those of ordinary farmers are at present. The common people, clothed in the coarsest garb, and starving on the meanest fare, lived in despicable huts with their cattle.

"The half-ploughed fields yielded scanty crops, and manufactures scarcely existed. Almost every improvement in agriculture is of late date: for *no ground was then fallowed; no peas, grass, turnips, nor potatoes were then raised; no cattle were fattened;* and little grain was exported. Oats and barley were alternately sown; and during seven months of the year the best soil was ravaged by flocks of sheep, a certain number of which was annually sold and carried off, to be fed on richer pastures.

"The inactivity and indolence of farmers were astonishing. When seedtime was finished, the plough and harrow were laid aside till after autumn; and the sole employment of the farmer and his servants consisted in weeding the corn fields, and in digging and carrying home peat, turf, and heath for winter fuel. The produce of the farm was barely sufficient to enable the tenant to pay a trifling rent and servants' wages, and to procure for his family a scanty subsistence."

In the Highlands the situation of the inhabitants was, if possible,

* The period from 1693 to 1700, emphatically termed the "*seven ill years*," was long remembered in Scotland. A scarcity continued throughout; and the severity of its pressure was such as to depopulate several extensive parishes in different parts of the country. See Vol. I. p. 421.

worse. The writer of the statistical account of the united parishes of Lochgoilhead and Kilmorish, in Argyleshire, referring to the state of the people about 1760, observes: —

"Indolence was almost the only comfort they enjoyed. There was scarcely any variety of wretchedness with which they were not obliged to struggle, or rather, to which they were not obliged to submit. *They often felt what it was to want food.* The scanty crops they raised were consumed by their cattle in winter and spring; for a great part of the year they lived wholly on milk, and even that, by the end of the spring and the beginning of summer, was very scarce. To such an extremity were they frequently reduced, that *they were obliged to bleed their cattle, in order to subsist some time on the blood* (boiled); and even the inhabitants of the glens and valleys repaired in crowds to the shore, at the distance of three or four miles, to pick up the scanty provision which the shell-fish afforded them. They were miserably ill-clothed, and the huts in which they lived were dirty and mean beyond description. How different from their present situation! They now enjoy the necessaries, and many of the comforts of life in abundance; even those who are supported by the charity of the parish feel no real want."

The southern counties presented the same picture of sloth, poverty, and wretchedness. The late Rev. Mr. Smith, in his Agricultural Survey of Wigtown and Kirkcudbright, published in 1810, gives, on authority of persons "now living," the following details with respect to the state of husbandry, and the condition of the people towards the middle of last century: —

"Estates appear to have been broken down into very small farms; or where these were large, they were held in common by two, three, or even four different tenants, who divided the labour and produce in a proportion corresponding to their rent. These, when in tillage, were sometimes *run-rigg*, when each had his proportion allotted; sometimes the whole was ploughed, sowed, and reaped in common, and the produce divided in the field, barn, or barn-yard. Houses or sheds for the whole cattle of the farm never entered into their conception. Their cows, were, indeed, not uncomfortably lodged; very often under the same roof with themselves, and sometimes without any intervening wall or partition. Their houses were commonly wretched dirty hovels, built with stones and mud, thatched with fern and turf; without chimneys; filled with smoke; black with soot; having low doors, and small holes for windows, with wooden shutters, or, in place of these, often stopped with turf, straw, or fragments of old clothes.

"The principal object of tillage was to afford straw for the winter support of the few cattle which the pasture (if such it could be called) maintained in summer. As they always overstocked, this was a difficult task; and the poor starved animals, before the return of spring, were reduced to the greatest extremities. Through mere weakness, often they could not rise of themselves. It was a constant practice to gather together neighbours to lift the cows or horses, or to draw them out of the bogs and quagmires into which they were tempted by the first appearances of vegetation.

"Nothing but the frugal penurious manner in which the peasantry then lived could have enabled them to subsist and pay any rent whatever. Their clothing was of the coarsest materials; their furniture and gardening utensils were often made by themselves; their food always the produce of their farms, was little expensive, consisting chiefly of oatmeal, vegetables, and the produce of the dairy; if a little animal food was occasionally added, it was generally the *refuse of the flock, unfit to be brought to market.*"

In the view of the Agriculture of Ayrshire, published by Colonel Fullarton of Fullarton, in 1793, we have the following authentic details as to its state about 1760: —

"At that period there was hardly a practicable road in the county; the farm houses were mere hovels, moated with clay, having the open hearth, or fireplace, in the middle; the dunghill at the door; the cattle starving, and the people wretched. The few ditches which existed were ill constructed, and the hedges worse preserved. The land overrun with weeds and rushes, gathered into very high, broad, serpentine ridges, interrupted with large balks, such as still disgrace the agriculture of some English counties. The soil was collected on the top of the ridge, and the furrow drowned with water. No fallows—no green crops—no sown grasses—no carts or waggons—no straw yards—hardly a potato or any other esculent root, and, indeed, no garden vegetables, unless a few Scotch kail, which with milk and oatmeal formed the diet of the people; with little straw and no hay, except a scanty portion of the coarsest quality collected from the bogs. The quantity of dung produced was of small avail, and that portion, little as it was, was dragged on cars or sledges, or on what were called tumbler-wheels, which turned with the axle, and supported the wretched vehicle, hardly able to carry five hundred weight. The ground was scourged with a succession of oats after oats, as long as they would pay for seed and labour, and afford a small surplus of oatmeal for the family, and then was left in a state of absolute sterility, or overrun with thistles, till rest again enabled it to produce a scanty crop." (Quoted in *Robertson's Rural Recollections*, p. 538.)

The situation even of the Lothians was but little better. We have already seen (Vol. I. p. 559.) that, so late as 1757, neither turnips, potatoes, clover, nor cultivated herbage of any sort had been introduced into that district. The condition of the occupiers and of the peasantry was also exceedingly depressed. It is stated by Mr. Robertson, that, so late as 1765, mendicity in the Lothians was so very prevalent that hardly a day passed in which farm houses were not visited by beggars, and hardly a week without some of them getting a night's lodging in the barn. (*Rural Recollections*, p. 109.)

Such was the abject state of Scotland about the middle of last century! And we are bold to say, that the contrast between the savages by whom Kentucky was formerly occupied and its present civilised inhabitants, is hardly greater than the contrast between the farmers and labourers of Scotland in 1770 and those of the present day. The existing Scotch farmers are distinguished by their superior intelligence and skill in agriculture, the excellence of their stock and

implements, and their genteel, comfortable style of living. The labourers, too, are universally well fed and well clothed; their cottages are generally comfortable and well furnished; and they are all in the enjoyment of luxuries that formerly were never tasted even by the most extensive proprietors.

The demand for butcher's meat in Scotland has increased in the most extraordinary manner. So late as 1763, the slaughter of bullocks for the supply of the public markets was a thing wholly unknown even in Glasgow, though the city had then a population of nearly 30,000! Previously to 1775, or perhaps later, it was customary in Edinburgh, Glasgow, and the principal Scotch towns, for families to purchase in November what would now be reckoned a small, miserable, half-fed cow or ox, the salted carcass of which was the only butcher's meat they tasted throughout the year. In the smaller towns and country districts this practice prevailed till the present century, but it is now almost everywhere abandoned. The consumption of butcher's meat in Glasgow, as compared with the population, does not at present differ materially from that of the metropolis. We do not, indeed, believe that the command of the people of any country over food and and all sorts of conveniences ever increased, in any equal period, half so rapidly as that of the people of Scotland has done since 1770.

Owing to the influence of causes which we have elsewhere endeavoured to elucidate, we doubt whether the condition of the labouring part of the population of Ireland, that is, of the great mass of its people, be materially better at this moment than when it was visited by Sir William Petty, under Cromwell. Luckily, however, the proportion of the middle class has been considerably increased within the last half century: and it has had its full share of the improvements in which all classes of the people of England and Scotland have so liberally participated during that period.*

* We have been accused of exaggerating the wretchedness of the Irish people, but we are well convinced that our statements are, in this respect, short of the truth. Since they were printed, the Commissioners of Irish Railways have published their second Report, which contains a great deal of valuable and authentic information as to the state of Ireland. We borrow from it the following paragraphs as to the condition of the peasantry, which fully bear out all that we have elsewhere stated: —

"The present social aspect and condition of Ireland is an anomaly in itself. Whilst the country is making a visible and steady progress in improvement, and signs of increasing wealth present themselves on all sides, the labouring population, constituting a large majority of the community, derive no proportionate benefit from the growing prosperity around them. In many places their condition is even worse than it has been. This apparent incongruity is, however, easily understood and explained, by a reference to the peculiar state of property, and to the complex relations which subsist between the proprietors and the several parties deriving interests under them, from the immediate tenant down to the actual occupier of the soil.

"The division of the land into small farms, and their subdivision into portions, continually decreasing in extent, with each succeeding generation of claimants, until, on some estates literally every rood of ground maintained, or rather was charged with the maintenance of, "its man," was the immediate cause of the rapid increase of the population, which, within a period of fifty years, has risen from four millions to upwards of eight.

"The defective state of the law which, for a long time, afforded the landlord no

Value of the Food annually consumed. — We have already seen (Vol. I. p. 533.), that the yearly value of the whole agricultural pro-

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adequate security against the partition of his estates, and the long term of years or lives for which it was customary to grant leases, without any valid limitations being set upon the power of the tenant to underlet, contributed, without doubt, to this result. But there were other causes in which the proprietors had a more direct and personal participation, and which justly impose upon them a full share of responsibility for the consequences. Not only did they not discourage the multiplication of small tenures (which they might have done effectually by their influence, even in cases where, by former demises, the management of their estates had been placed in the power, and depended upon the will, of others), but they were themselves, active promoters of that system; and that, from two obvious and intelligible motives, — a desire to swell the amount of their rent-rolls, which were at first considerably increased by the operation of this principle, and a wish to possess themselves of political influence and power at the elections. The local operation of the latter cause is manifest, and admits of distinct proofs in almost every populous district in Ireland; and its general effect may be inferred from the remarkable and accelerated increase of the population which took place from the year 1793, the date of the act for conferring the elective franchise on that class of voters known as the forty-shilling freeholders. In 1791, the numbers were 4,206,612; in 1821, they were found to have increased to 6,801,827; in 1831, to 7,767,401; and they now amount to more than eight and a half millions. It is due to the proprietors and intermediate landlords, who took no measures to repress this astonishing increase, while it might have been beneficially checked without inconvenience or injury to any individual, to admit, that few persons, during its early stages, foresaw its rapid extension, or suspected the evils it would bring in its train. But this consideration, while it exonerates them from the imputation of culpable design or indifference, does not exempt them from the necessary consequences of their improvidence, or from the just obligations and duties inseparable from the possession of property.

"The misery and destitution which prevail so extensively, together with all the demoralisation incident to the peculiar condition of the Irish peasantry, may be traced to this source. The country, particularly in the west and south-western counties, is overspread with small but exceedingly crowded communities, sometimes located in villages, but more frequently in isolated tenements, exclusively composed of the poorest class of labourers, who, removed from the presence and social or moral influence of a better and more enlightened class, are left generally to the coercive power of the law alone to hold them within the bounds of peace and order. No system of constant or remunerative industry is established amongst them. The cultivation of their patches of land, and the labour of providing fuel, are their sole employment; which, occupying but a comparatively small portion of their time, leaves them exposed to all the temptations of an idle, reckless, and needy existence. In such a community there is no demand for hired labourers. Every occupier, with such assistance as his own family can furnish, manages to raise the scanty supply of food which he may need for their support, and as much grain or other produce as may be required to pay his rent; but, beyond this, there is no solicitude about cultivating the land, nor the least taste for improving or making it more valuable. At the periods of active labour, when additional hands are absolutely necessary, every expedient is resorted to in order to avoid the employment of a single paid labourer. Children of tender years are then forced to do the work of men in the fields, to a degree far beyond their strength; and all the females who are capable of rendering assistance are tasked in many ways utterly unsuited to their sex, and incompatible with the slightest attention to their proper cares and duties. At all times indeed of the year, whether the case be urgent or not, the share of labour, out of doors, imposed upon women and young girls, who might in every respect be so much better occupied, is as injurious to the moral condition as it must be to the personal and domestic comfort of the peasantry.

"There is a class of landholders superior to these, holding from eight to twelve or fifteen acres, who are equally slovenly and careless in the management of their land;

duce of England and Wales may be estimated at about 132,000,000*l.*, and that of Scotland at about 23,000,000*l.*; making a gross sum of

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but necessarily obliged, on account of its greater extent, to procure assistance out of their own families. Sometimes, but rarely, these persons hire daily labourers among the neighbouring poor; and in such cases they are usually guided in their choice, not by the character or capability of the man they employ, but by the lowest rate of wages at which they can possibly obtain his services. More commonly, however, they engage, as farm servants, young men between sixteen and twenty-five years of age, who reside in the family of their employer, and hire themselves out at remarkably low wages, seldom exceeding 1*l.* per quarter, and, in numerous instances, scarcely more than half that sum.

"The litigation which occupies a great portion of the time of the several courts of petty sessions, arises out of the disputes of this class of servants with their employers; the former being usually impatient to break off their engagements at the busy and more profitable season of the year, and the latter anxious, of course, to reap the full benefit of the contract. Another common subject of angry contention before the same tribunals, is furnished by ill-defined boundaries, neglected fences, and consequent trespass between the neighbouring tenants of the small divisions of land above described. More time and money are commonly wasted in such contests than would suffice to repair all the damage which forms the ground of quarrel; and animosities are engendered which often lead to feuds of a lasting duration, and the most deadly consequences.

"It is plain that, under such a distribution of property, no rational hope can be entertained of the general introduction of an improved system of husbandry, or the employment of the labouring poor, to the extent and in the manner which would be beneficial to them, and conducive to the prosperity and good order of the community.

"It is therefore much to be wished, that such a system should no longer continue. For the preservation of property — for the interests of the public peace — for the progress of civilisation and improvement — and for the permanent good of the rural population, it is desirable that a speedy alteration should take place. The evil cannot remain stationary; it must either be met with effective opposition, or it will, by its own accumulative force, proceed to the last point at which the process of subdivision is practicable; and what may be the consequences of suffering it to go so far, it is painful to contemplate. How rapidly it is in some places approaching to that point, may be gathered from the Population Returns of the Board of Trade, which represent an increase to have taken place between the years 1821 and 1831, amounting in certain western counties to one in five, and in others nearly to one in four, of the whole number of inhabitants, viz. —

In Donegal,	increase	20 per cent.	In Galway,	increase	23 per cent.
Mayo,	—	24 —	Clare,	—	24 —

"Among the effects of this rapid increase of population, without a corresponding increase of remunerative employment, the most alarming, though perhaps the most obviously to be expected, is a deterioration of the food of the peasantry. It could scarcely be thought, indeed, that their customary diet would admit of any reduction, save in quantity alone; yet it has been reduced as to quality also in such a way as sensibly to diminish their comfort, if not to impair their health. Bread was never an article of common use amongst the labouring poor; but it is now less known by them than it was at the time when a sum, exceeding 50,000*l.* per annum, was paid in "bounties," to induce the landholders to grow a sufficiency of grain for the supply of the city of Dublin. Milk is become almost a luxury to many of them, and the quality of their potato diet is generally much inferior to what it was at the commencement of the present century. A species of potato called the "lumper" has been brought into general cultivation, on account of its great productiveness, and the facility with which it can be raised from an inferior soil, and with a comparatively small portion of manure. This root, at its first introduction, was scarcely considered food good enough for swine; it neither possesses the farinaceous qualities of the better varieties of the plant, nor is it as palatable as any other, being wet and

155,000,000*l.* Now, deducting from this amount 12,000,000*l.* for the value of seed, and the sums required to keep up the stock of horses, &c., we have the sum of 143,000,000*l.*, as representing the entire value of the various articles of agricultural produce annually consumed by man. At present (1838) the population of Great Britain may be taken at about 18,000,000 (Vol. I. p. 439.), which, consequently, gives ($\frac{143}{18}$) 8*l.*, very nearly, for the average annual consumption of each individual; and it seems to be the concurrent opinion of those best entitled to decide as to such subjects, that this average is not very wide of the mark.

We have estimated (Vol. I. p. 549.) the value of the entire annual produce of the land of Ireland at 45,500,000*l.*; but taking it at

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tasteless, and, in point of substantial nutriment, little better as an article of human food than a Swedish turnip. In many counties of Leinster, and throughout the provinces of Munster and Connaught, the lumper now constitutes the principal food of the labouring peasantry; a fact which is the more striking when we consider the great increase of produce, together with its manifest improvement in quality, which is annually raised in Ireland, for exportation and for consumption by the superior classes.

"For some years the proprietors of land have endeavoured to counteract the evils arising from the increase of a pauper and unemployed population, and to prevent its extension. Their eyes have long been opened to the mischief partly created, and, in a great measure, countenanced by themselves, and they are quite willing to retrace their steps, and reduce their estates, if possible, to a condition more favourable to a judicious mode of cultivation, and to the regular and profitable occupation of the poor. The habit of letting their grounds in small allotments has altogether ceased in the agricultural districts, though it still prevails in parts of the manufacturing counties of Armagh and Down, where the skill of the artisan is rendered in some degree subsidiary to the toil of the labourer. Generally, however, as often as opportunities occur, they are gladly embraced, to enlarge the divisions of land to farms of dimensions better adapted to the development of agricultural science, and the beneficial employment of capital and labour. In some cases these changes have been conducted with judicious humanity; in many, it is to be feared, without much regard either to humanity or justice; but where they can be effected without injury to individual happiness, or equitable rights, without doubt they must, in all cases, tend to the ultimate advantage of society, as a means of checking a great and growing evil, of increasing the wealth of the country, and, consequently, laying a firm and sure foundation of prosperity for the Irish people. Already considerable progress has been made towards the establishment of a better system of agriculture, and the altered and much improved appearance of the country, in many places, is owing to the success which has attended those endeavours. But, although the land has thus been rendered more valuable, and its produce more abundant, the condition of the labouring poor has not advanced, even in those improved localities.

"The fair inference to be drawn from this fact is, that the labourer is not allowed a just proportion of the product of his own toil and industry; but the cause of that inadequate remuneration will be found in the increased number of persons forced into the market-place in quest of daily employment, in consequence of their being deprived of the resource of the potato garden and the mud hovel, in order to make room for the improvement of the land. The number of hands absolutely unemployed being thus increased, the price of labour will of course be kept down. Nor should it be omitted or disguised that, in proportion as these improvements shall become more general, the multitude of applicants for employment will still farther exceed the demand of their labour; and consequently their condition if left entirely dependent upon the aid of the mere agriculturist, will be still more depressed, while the country is advancing in wealth and abundance." (*Report*, pp. 79—82.)

45,000,000*l.* if we deduct from this 6,000,000*l.* for the value of seed, and sums required to replace horses, &c., and 3,500,000*l.* for the values remitted in the shape of rent, &c., to absentee proprietors, we have 35,500,000*l.* to be distributed among the resident population; which, as the latter may be taken at about 9,000,000, gives nearly 3*l.* 19*s.* to each.

Improvements in Clothing.—The improvements that have been made during the last half century in the clothing and lodging of the people of Great Britain are even more remarkable than those that have been made in their food. The unparalleled abundance and cheapness of cotton goods, caused by the wonderful progress made in the cotton manufacture, have been, in this respect, of vast importance. "It is impossible," says Mr. Baines, "to estimate the advantage, to the bulk of the people, from the wonderful cheapness of cotton goods. The wife of a labouring man may buy, at a retail shop, a neat and good print as low as 4*d.* per yard; so that, allowing 7 yards for the dress, the whole material shall only cost 2*s.* 4*d.* Common plain calico may be bought for 2½*d.* per yard. Elegant cotton prints, for ladies' dresses, sell at from 10*d.* to 1*s.* 4*d.* per yard, and printed muslins at from 1*s.* to 4*s.*, the higher priced having beautiful patterns, in brilliant and permanent colours. Thus, the humblest classes have now the means of as great neatness, and even gaiety, of dress, as the middle and upper classes of the last age. A country wake, in the nineteenth century, may display as much finery as a drawing room of the eighteenth; and the peasant's cottage may, at this day, with good management, have as handsome furniture for beds, windows, and tables, as the house of a substantial tradesman sixty years since." (*History of the Cotton Manufacture*, p. 358.)

The price of most other articles of clothing has also been considerably reduced, though not in the same degree as cottons, at the same time that their fabric has been improved and beautified.

Improvements in Lodgings.—Since the middle of last century an extraordinay change for the better has taken place in the habitations of all classes. Any one must be struck with this who compares the houses in the old streets and lanes in any of our towns, with those built within the last fifty years. The latter are, in all respects, superior. They are constructed on a larger scale; the apartments are more spacious and lofty; they are better ventilated; and are supplied with water to an extent of which our ancestors had no idea. It is, in fact, the better construction of houses, the greater width of streets, and above all, to the abundant supply of water, and the effective system of under-draining that now exists, that the entire freedom of our great towns from epidemical diseases, and the astonishing improvement in the health of the inhabitants, are mainly to be ascribed.

It may be truly affirmed that, with but few exceptions, *all* the farm houses, offices, and cottages of Scotland have been rebuilt since 1780, and mostly, indeed, since 1800. From being the meanest and most wretched of their kind, they are now, speaking generally, well contrived, substantial, and commodious. Whether, indeed, we look to the appearance of the country, or to the condition of the people, the most striking evidences, of a rapid and mighty change for the better

present themselves on all sides. The progress of improvement has been such as to outstrip the anticipations even of the most sanguine.

Numbers and Rent of Inhabited Houses. — We have already given (Vol. I. p. 404. 423. and 437.) accounts of the number of inhabited houses in each county of England, Scotland, and Ireland, in 1831, and of the average number of persons to a house in the counties, and in the towns. It would be desirable to be able to specify the annual rent or value of such houses; but unluckily there are no materials for doing this with any considerable degree of accuracy.

It appears, from the returns obtained under the Property Tax Act (*antè*, p. 416.), that the rental of houses and *other buildings* assessed in 1814-15, amounted to 14,895,130*l.* in England and Wales, and to 1,364,270*l.* in Scotland. Little information can, however, be derived from this return, inasmuch as it confounds mills, warehouses, &c., with dwelling houses; and as the value of houses occupied by agriculturists was included under the rental of the lands.

The returns under the house duty afford some more definite information. Until very recently a duty was charged on all *inhabited* houses, provided they were of the value of 10*l.* a year and upwards. Now, it appears from the population returns, that there were, in 1831, 2,850,937 inhabited houses in Great Britain, exclusive of 132,634 that were uninhabited, and of 27,327 that were being built. It farther appears, from the returns as to the house duty, that, in 1832, 442,482 houses were charged with this duty, being of the annual value of 10*l.* a year and upwards, and producing a gross rental of 12,603,912*l.* (*Papers published by the Board of Trade*, vol. iv. p. 37.) We have no means of accurately estimating the yearly rental of the 2,408,455 houses not subjected to the tax; but we believe we may take it, at a rough average, at about 4*l.* a house, which would give a total of 9,633,820*l.* According to this statement the rental of the inhabited houses of Great Britain would amount to 22,237,732*l.* a year; and, as the rental to which houses were assessed to the house tax was very generally below the real rental, this estimate is, probably, a good deal within the mark.

The value of houses may, perhaps, be taken, one with another, at 10 years' purchase. But, in making an estimate of this sort, or of the rental of houses, it must be borne in mind, that the value and rental of all those that are connected with agriculture are uniformly included in the value and rental of the land, and must, consequently, be deducted in forming any estimate of the total or yearly value of lands and houses taken together.

According to the population returns, there were in Ireland, in 1831, 1,429,816 inhabited houses, 40,654 uninhabited ditto, and 15,308 that were being built. The house tax did not extend to Ireland, so that there are no means of estimating the value of these houses. Considering, however, that a very large number of them consist of mere mud cabins, deriving almost all their value from the patches of land on which they are built, their value must be trifling indeed, compared with that of the houses of Great Britain.

Some intrepid calculators have amused themselves by framing estimates of the value of the plate, furniture, clothes, &c., belonging

to individuals; but it is needless to say, that there are no data whatever on which to construct such estimates; which are, in fact, good for nothing, unless it be to throw discredit on all statistical computations.

Distribution and Income of the Population.—We have already laid before the reader the statements given in the population returns for 1831, with respect to the number of families and individuals engaged in agriculture and in manufactures and commerce in Great Britain and Ireland. (See Vol. I. p. 550., and *antè*, p. 69.) But it may, notwithstanding, be desirable to lay the following summary of the returns in question before the reader:—

General Summary of Population of Great Britain and Ireland in 1831.

	Houses.				Occupations.			Persons.		
	Inhabited.	Families.	Building.	Uninhabited.	Families chiefly employed in Agriculture.	Families chiefly employed in Trade, Manufactures, and Handicraft.	All other Families not comprised in the two preceding Classes.	Males.	Females.	Total of Persons.
England	2,326,022	2,745,336	23,462	113,885	761,348	1,182,912	801,076	6,376,627	6,714,378	13,091,005
Wales	155,522	166,238	1,297	6,030	73,195	44,702	48,641	394,563	411,619	806,182
Scotland	369,393	502,301	2,568	12,719	126,591	207,259	168,451	1,114,816	1,250,298	2,365,114
Army, Navy, Marines, and Seamen in registered Vessels	-	-	-	-	-	-	-	277,017	-	277,017
	2,850,937	3,414,175	27,327	132,634	961,134	1,434,873	1,018,168	8,163,023	8,376,295	16,539,318
Ireland.										
Leinster	292,729	344,314	3,715	7,967	186,177	75,040	83,097	927,877	981,836	1,909,713
Munster	330,444	376,051	3,796	9,533	244,770	62,285	68,996	1,093,411	1,133,741	2,227,152
Ulster	402,005	425,314	3,997	16,607	268,864	88,421	68,029	1,113,094	1,173,528	2,286,622
Connaught	224,638	239,367	3,800	6,527	184,528	23,613	31,246	660,498	683,416	1,343,914
Total of Ireland	1,429,816	1,385,066	15,308	40,634	884,339	249,359	251,368	3,794,880	3,972,521	7,767,401
Total of Great Britain and Ireland	4,280,75	4,799,241	42,635	173,258	1,845,473	1,684,232	1,269,536	11,957,903	12,348,816	24,306,719
Island of Guernsey, &c.	3,804	5,353	114	221	1,500	1,827	2,006	11,983	14,145	26,128
— Jersey	4,950	7,292	50	115	2,102	3,490	1,740	17,006	19,576	36,582
— Man	6,864	8,239	162	361	3,053	1,976	3,230	19,560	21,440	41,000
Total of British Islands	15,658	20,884	226	697	6,655	7,293	6,936	48,549	55,161	103,710
Total of United Kingdom	4,296,411	4,820,125	42,861	173,985	1,852,128	1,691,525	1,276,472	12,006,452	12,403,977	24,410,429

Classification of Individuals, principally of Males of 20 Years of Age and upwards, in different Departments of Industry in Great Britain and Ireland, according to the Census of 1831.

Occupation.	England.	Wales.	Scotland.	Ireland.	Total.
Males 20 years of age and upwards:					
Occupiers employing labourers	141,460	19,728	25,887	95,339	282,414
Ditto not ditto	94,883	19,966	53,966	564,274	733,089
Labourers employed in agriculture	744,407	55,468	67,292	507,441	1,355,608
Employed in manufactures, or making machinery for ditto	314,106	6,218	83,993	25,746	430,063
In retail trade, or handicraft, as masters or workmen	964,177	43,226	152,464	298,838	1,458,805
Capitalists, bankers, professional, and other educated men	179,983	5,204	29,203	61,514	275,904
Labourers employed in labour not agricultural	500,950	31,571	76,191	89,878	698,588
Other males 20 years of age, except servants	189,389	11,180	34,930	110,595	346,094
Servants, 20 years of age (males)	70,629	2,145	5,805	54,112	132,811
Male servants under 20 years of age	30,777	1,179	2,599	44,600	79,155
Female servants	518,705	42,274	109,512	253,155	923,646

It would be very desirable to have a table representing the numbers and incomes of the different ranks and orders of the people. Unfortunately, however, we are without any materials for its construction. The classification in the population returns, as given

above, is but very rude, and little to be depended on; and we are absolutely destitute of any means by which to form any estimate of the average income of any one of the leading classes. It is seen from the details elsewhere given (*antè*, p. 417.), that the amount of income assessed to the property tax, in 1814-15, amounted to 166,222,128*l.*; but all professional incomes, or wages, amounting to less than 50*l.* a year were exempted from the operation of the act; and, independently of this, the numbers in the different classes, and their incomes, have varied materially since 1815.

The population of Great Britain may, as already seen (Vol. I. p. 439.), be taken at present (1838) at about 18,000,000. Unluckily, however, we have no authentic details by which to measure, the average annual incomes of any pretty considerable number of individuals in the various ranks and orders of life; and without knowing the numbers in each class, a knowledge of the average incomes of the individuals belonging to it would not enable us to form a correct estimate of the average income of the people generally. But, in the absence of authentic data, we incline to think that we shall not be very wide of the mark if we take the average annual income of the people of Great Brritain at from 16*l.* to 17*l.* each, or at 82*l.* 10*s.* at a medium for every family of 5 persons. This, taking the population at 18,000,000, would give a total gross income of 297,000,000*l.* We offer this merely as a very rude approximation. But, how diminutive soever it may appear, when contrasted with some late estimates, we are pretty well satisfied, that, if it be not materially beyond, it is, at all events, not much within, the mark. The late Lord Liverpool, who was well versed in questions of this sort, stated, in his place in the House of Lords, on the 26th of February, 1822, that he estimated the annual income of Great Britain at from 250,000,000*l.* to 280,000,000*l.* And we believe we shall not be far wrong if we estimate it, at this moment, at from 290,000,000*l.* to 310,000,000*l.*

Considering the poverty and destitution of the great bulk of the Irish people, their incomes must be inconsiderable indeed, compared with those of the people of Britain. We should not, in fact, be inclined to estimate them at 6*l.* each, at an average of the population.

CHAPTER VI.—Colonies and Dependencies.

No work on the statistics of the British empire could have any pretensions to completeness that omitted to notice its colonies and dependencies. It would, however, be inconsistent alike with the objects and the limits of this work to enter into any detailed investigations, with respect to their statistics. Our object has been to exhibit the physical capabilities, the industry, wealth, and institutions of the British nation; and the statistics of our colonies and foreign dependencies are connected with our subject only in those respects in

which they may be supposed to contribute to, or diminish, our wealth and prosperity.

Our colonies consist of the extensive provinces of the Canadas, Nova Scotia, New Brunswick, &c. in North America; of Jamaica, Barbadoes, and the other islands subject to our sway in the West Indies; and of the colonies of the Cape of Good Hope, Ceylon, New South Wales, Van Diemen's Land, &c. in South Africa and the East. The vast empire of Hindostan, of which we are now the uncontrolled masters, is a dependent or tributary kingdom. Malta and Gibraltar are to be regarded as mere fortified stations or strongholds: and the Ionian Islands are a sort of semi-independent state, of which Great Britain is protector.

Advantages of Colonial Establishments.—However extensive and valuable, our colonies confer on us no direct advantage. The attempt made in the early part of the reign of George III. to compel the American colonists to contribute towards the public revenue of the empire eventually led to that disastrous war which terminated in their independence. Since then we have renounced all attempts to tax the colonies for any purpose, except that of their own internal government and police. They contribute nothing directly to the general revenue of the empire. The fleets and armies required for their protection in war, and their security in peace, are all supplied by the British nation, and cost them nothing. Whatever benefits they confer on us result entirely, or almost entirely, from the commercial intercourse we carry on with them, the opening they afford to emigrants from this country, and the facilities they give to British adventurers for making fortunes, with which they may return to their native land.

The policy pursued with respect to India is different. It is subjected to very heavy taxes, and is not only made, in as far as practicable, to defray the cost of the armaments required for its protection, but a surplus revenue has occasionally, also, been transmitted from India to England. A large number of Englishmen are besides employed, at good salaries, in administering the government of India; and the opportunities it affords to these and other descriptions of adventurers for making fortunes are much greater than those afforded by any of our colonies.

The advantages derived from the possession of such strongholds as Malta and Gibraltar are altogether of a political nature, consisting principally in the shelter they afford to our fleets, and, consequently, in the means they afford for protecting our commerce, and for the annoyance of our enemies during war.

Were this the proper place for entering upon such inquiries, it might be very easily shown that the advantages supposed peculiarly to belong to the colony trade, are in a great degree imaginary. No considerable colony will ever import any material quantity of goods from the mother-country, unless they be, at the same time, the cheapest and most suitable for her markets; and if they have this quality, the chances are ten to one that the colony would continue to import them were she to become independent. It is not by dint of custom-house regulations, but exclusively through the agency of

comparatively cheap goods, that all great markets are acquired in the first instance, and are subsequently preserved. All the *guarda costas* and tyrannical regulations of Old Spain could not hinder her trans-Atlantic possessions from being overrun with the manufactured products of other countries. And were any competitor to come into the field capable of supplying the Canadians with woollens, cottons, or hardware, on lower terms than we can supply them, we should be effectually shut out of their markets. It is not, therefore, to the fact of a country being a colony, that we are to ascribe the circumstance of our carrying on a great *free* trade with it; but to the fact of our being able to supply it, or of its being able to supply us, with one or more articles or products in considerable demand on cheaper terms than it or they can be supplied from any other quarter. And a circumstance of this sort would, in most cases, lay the foundations of as extensive a trade with an independent state as with a colony.

Admitting that it were possible—which, however, it rarely is—to compel a colony to purchase articles from the mother-country with which she might supply herself cheaper elsewhere, that would be of no advantage to the parent state, how injurious soever to the colony. Every country has some peculiar departments in which she possesses either a natural or an acquired advantage over others; and in which, consequently, it is most for her interest that her capital and industry should be principally employed. But the articles she compels the colony to take from her are plainly not of this description; and by continuing to produce them, and to force them upon the colony, she retains a portion of her capital and labour in a comparatively disadvantageous business, doing an injury to herself as well as to those she obliges to buy the dear articles.

A country which founds a colony on the liberal principle of allowing it to trade freely with all the world, necessarily possesses considerable advantages in its markets, from identity of language, religion, customs, &c. These are natural and legitimate sources of preference, of which it cannot be deprived; and these, combined with equal or greater cheapness of the products suitable for the colonial markets, will give its merchants the complete command of them. But all attempts at forcing a trade with colonies are sure to be pernicious alike to the mother-country and the colony; and make that intercourse a source of poverty and ill-will, which, if let alone, would be a source of reciprocal advantage.

The state of the trade with Canada may be referred to in proof of what has now been stated. It employs a large number of ships and seamen, and seems, to a superficial observer, highly valuable. In truth and reality, however, it is very much the reverse. Two thirds, and more, of the trade with Canada is forced and factitious; originating in the oppressive discriminating duty of 40*s*. a load imposed on timber from the north of Europe, over and above what is imposed on that brought from a British settlement in North America. This obliges us to resort to Canada, whence we import an inferior article at a much higher price. The disadvantages of this impolitic system are numerous and glaring. To a manufacturing country, having a great mercantile and warlike navy, timber is an *indispensable neces-*

sary; and yet, instead of supplying ourselves with it where it may be found best and cheapest, we load the superior and cheaper article with an exorbitant duty; and thus do the most we can to make our houses and ships be built, and our machinery constructed, of what is inferior and dear! But the mischief does not stop here. By refusing to import the timber of the north of Europe, we proportionally limit the power of the Russians, Prussians, Swedes, and Norwegians, to buy our manufactured goods; while, by forcing the importation of timber from Canada, we withdraw the attention of its inhabitants from the most profitable employment they can carry on, that is, from the cultivation of the soil, and make them waste their energies in comparatively disadvantageous pursuits! Such, either in a less or a greater degree, is the uniform result of all attempts to interfere with the natural order of things, and to force a trade — whether with a colony or a foreign country, matters not — that would not otherwise be carried on.

But the existing state of our relations with Canada affords other matter for serious and not very pleasant reflection. That colony is not, and never has been, of advantage to England. Were the duties on Canada timber reduced to the same level as those on Baltic timber, we question whether it would be found to possess a single article that could be advantageously exported to this country, or that we might not buy cheaper and better elsewhere. It no doubt affords an extensive outlet for emigrants, and is in so far useful; but in all other respects its occupation has always been, and will most probably continue to be, productive of little except loss. And, even with respect to emigration, it is by no means clear that the field would be at all narrowed by Canada becoming independent, or connected with the United States; the presumption seems, indeed, to be very much the other way; and, notwithstanding the peculiar advantages that have frequently been held out to emigrants to Canada, they seldom have been so numerous as those to the United States.

But useless as Canada has been to England in time past, the connection with it will, in all probability, become much more onerous in time to come. We shall not stop to inquire whether the Canadians have good grounds for the dissatisfaction that prevails so generally amongst them. It is enough to know that it exists; and that nothing but the presence of a large British army is able to maintain our nominal ascendancy in that province. While this state of things continues, the prosperity of the colony must be at a stand; all emigration to it will cease; and the distresses in which the settlers will be involved will give additional strength to the party wishing to break off the connection with the mother-country. The people of Britain would do well to reflect dispassionately on the state of the Canada question. We believe there are not a dozen men of sense in the empire who are not ready to admit that in some ten or twenty years Canada will be independent, or be incorporated with the United States. But, if so, what should be our policy in the mean time? Having put down rebellion for the present, the question is, are we resolved to maintain an army of 10,000 or 15,000 men in Canada? to expend, directly and indirectly, some three or four mil-

lions a year in preserving a mere nominal ascendancy in a colony, by the independence of which we should certainly lose nothing? If such be our determination, it may be doubted whether we have profited much by the dear-bought experience afforded by the American war. We deny that Canada contributes in any way whatever either to the strength or security of Great Britain. On the contrary, the connection with it is an evident source of weakness; and, while it multiplies the chances of our being involved in disputes with other powers, it supplies no means of carrying them on, and distracts and lessens those in our possession. National pride may prevent our relinquishing this costly and worthless dominion; but good sense, and the most obvious views of expediency, would suggest the policy of voluntarily anticipating what must in the end necessarily happen; and of providing for the independence of Canada, under a system of friendly and mutually beneficial relations with this country.

It must not be supposed, from any thing now stated, that we regard the foundation of colonies as inexpedient; on the contrary, colonies have been, in their consequences, highly advantageous to this, as they have been to most old settled countries in all ages. It is not to their establishment, provided they be placed in proper situations, and judiciously managed, but to the needless interference with their government, the trammels imposed on their industry, the prevention of their free intercourse with other people, and the attempt to govern them after they are able and determined to govern themselves, that we object. A nation that founds a colony in an unoccupied country, or in a country occupied only by savages, extends, by so doing, the empire of civilisation to, it may be, an indefinite degree. Such colony not only forms a desirable outlet for the redundant or unemployed population of the mother-country, but it forms a new and rapidly increasing market for its products and those of other countries. No one can doubt that Europe has been signally benefited by the discovery and civilisation of America; but the advantages thence arising, how great soever, would have been incomparably greater but for the various impolitic regulations imposed by the mother states on their colonies. The British colonies, though fettered in various ways, enjoyed a much greater degree of freedom than those of any other country; and, in consequence, their progress, both before and since the æra of their independence, has been proportionally rapid. The colonies of Spain, on the other hand, though occupying the finest provinces, had their progress thwarted by the blind jealousy of the mother-country, and were kept as much as possible in a state of pupilage. The government was entirely administered by natives of Old Spain; the colonists were carefully excluded from every office of power and emolument; one colony was prohibited from trading with another; and had foreigners presumed to settle amongst them, they would have been liable to capital punishment! In consequence, their progress was very slow; and when at length they succeeded in throwing off the galling yoke of the mother-country, they became, from their inexperience in self-government, a prey to all sorts of disorders. It is questionable whether her South American colonies were of the least service to Old Spain; and it is, at all events, certain that they

have not conferred either on her, or on other countries, a tenth part of the benefit they would have done had they been treated with greater liberality, and permitted freely to avail themselves of all the advantages of their situation.

Our colonies in the West Indies have been cultivated principally by slaves, brought partly from Africa, and partly reared in the islands. For many years past they have been mostly devoted to the production of sugar and rum, or to the culture of the sugar cane. A notion seems to have been at one time pretty general in this country, and is still far from being exploded, that the colonies in question were of especial consequence, from their furnishing our markets with ample supplies of so important an article as sugar. But there is not now, and, we believe, never was, any foundation for such a notion. Sugar is one of those products of which the culture is generally diffused all over the tropical regions; and though we did not possess a single West Indian island, there is no reason to think we should import a single pound of sugar the less. The probability, in fact, is all the other way. There cannot, we believe, be a doubt that, but for the high discriminating duty on foreign sugar, it would be imported for consumption in very large quantities, and that we should obtain a larger supply of this valuable article at a decidedly lower price than we do at this moment. Canada and the Australian colonies afford outlets for our unemployed and surplus labourers; but the West Indian colonies do not give any such facilities; and now, when we might obtain sugar, coffee, and other colonial productions, not as cheap merely, from Brazil, Cuba, Hindostan, &c., as from them, but a good deal cheaper, it is difficult to see what peculiar advantage they confer on us, even if they cost us nothing in the way of outlay.

In point of fact, however, as already stated, our West India and most of our other colonies, cost a very large sum in direct outlays upon their defence, &c., exclusive of what they cost indirectly through the influence of discriminating duties. It appears from one of the subjoined accounts, that in the year 1833–34, Great Britain incurred a direct expenditure, on account of her colonies, of no less than 2,364,309*l.*! And if to this were added the indirect expenditure they occasion, that is, the sums the colonies cost through discriminating duties on timber, sugar, &c., the outlay, even supposing them to be all well-affected, and not requiring to be kept in subjection by a large military force, would be very large indeed; and would, we apprehend, very much overbalance all that could be set against it. Nothing, in fact, can be a greater mistake than to suppose, as many have done, that we are mainly indebted for our wealth, and the high place we occupy among the nations of the earth, to our colonial possessions. We owe these distinctions to the favourable situation and physical capacities of our native country, the intelligence and enterprise of our people, and the emulation inspired by our free institutions, and by the inequality of fortune that subsists amongst us. The truth is that we have derived ten times more advantage from our intercourse with the United States, since they achieved their independence, than we derived from them while we had a governor in every state, or than we have derived from all our other colonies put together. And this advantage has not been accompanied with any drawbacks. We have

not been obliged to purchase the timber and other commodities of the United States when we might supply ourselves better elsewhere; and we have not been obliged to keep up armaments for their protection, or to encumber ourselves with the government of extensive countries on the other side the Atlantic.

Slave Emancipation Act.—We have already stated that the cultivation of the West India islands has been principally effected by means of slaves. They began to be imported from Africa early in the 16th century; and this villanous traffic, in which the most civilised of the Christian nations of Europe perpetrated every enormity on the unoffending and defenceless natives of Africa, was long considered as of the utmost importance, and met with every sort of encouragement from the parliament of England, as well as from the governments of some of the continental states. At length, however, the public mind gradually awakened to a sense of the guilt and disgrace of the traffic; while the revolution that took place in St. Domingo showed that it was attended with no little danger, and that a day of reckoning and revenge might come sooner than had been anticipated. The subject was agitated in parliament in 1787; and a great deal of evidence was subsequently taken before a committee of the privy council, in which the atrociousness of the trade was fully established. It was, in consequence, placed under certain regulations; but it was not finally abolished till 1806, when the act for its suppression was carried by large majorities.

Since that period the public has never ceased to take the greatest interest in the state of the slaves in the British colonies, and repeated acts were passed restraining the power of the owners to inflict chastisement upon them, and conducing in various ways to their comfort and instruction, with the avowed intention of paving the way for their ultimate emancipation. But there were great and all but insuperable obstacles in the way of the execution of these acts. The owners complained that they were a wanton and unjustifiable interference with their property; and it was all but impossible, without securing their co-operation, that they could have their full effect. At length the experience of this; the clamours and impatience of the public; and a deep sense of what was due to the rights of property, led to the famous measure of 1833, the third and fourth Will. IV. cap. 73. for the total abolition of slavery throughout all the colonies of Great Britain.

To accomplish this desirable object with safety to all parties, the slaves were made apprenticed labourers, and were to continue in that state partly to the 1st of August, 1838, and partly to the 1st of August, 1840, when they were to become completely free: and to indemnify the owners for thus forcibly taking from them the disposal of a property they had acquired under the sanction of the laws, parliament voted them the sum of *twenty millions* as compensation, payable in certain fixed proportions, according as each colony was ascertained to have complied with the terms of the act. But in consequence of the clamour that was latterly raised against the duration of the apprenticeship, it has been shortened; and in all our West India islands the blacks are now completely free.

The statute of Will. IV. successfully reconciled the claims of humanity with those of justice, and is in every respect highly creditable to the British nation. So far, too, as the experience of the last two or three years may be relied on, the presumption is that it will be brought fully into operation with less inconvenience than was anticipated. At the same time we have no idea that the imports of sugar from the West India islands and the Mauritius will continue to be nearly as great in time to come as they have been during the last few years. The blacks are naturally indolent; or rather, perhaps, that degree of exertion which is required in colder climates to procure supplies of necessaries, not being required in theirs, it will not be made, now that they are no longer compelled to exert themselves. But, however this may be, we need not, as already stated, be under any apprehensions on this ground; we have only to repeal the prohibitory duty on foreign sugar to obtain unlimited supplies.

Supposing the indemnity of twenty millions paid to the slave proprietors to cost the public 3½ per cent., it will constitute an annual charge of 700,000*l.*; and ought, of course, to form an item of that extent on the debtor side of any fairly drawn up colonial budget.

Remarks on our Relations with India.—The first establishments of the English in India, as of other European nations, arose out of the alleged necessity of providing armed factories or strongholds, where the adventurers might warehouse their goods, and reside in safety for the purpose of carrying on their intercourse with the natives; but the factories speedily degenerated into fortifications, and the garrisons into armies. For a while the power of the English and French was pretty nearly balanced in India; but the talents and victories of the famous Lord Clive gave us a decided superiority over every competitor, foreign or native, and extended our sway over some of the largest and finest portions of the Mogul empire. The policy of Clive, whether it were really approved by the succeeding governors-general of our Indian dominions, or were forced upon them by necessity, has, some few short intervals excepted, been steadily followed up; and with such signal success that our Indian empire comprises at present the whole of Hindostan from the Himalaya mountains to Cape Comorin, with a population of above 120 millions!

The most exaggerated accounts have been at all times current in Europe of the extraordinary wealth of India, and of the importance of the commerce with that part of the world. After the victories of Lord Clive the most sanguine expectations began to be entertained, not only of a vast increase of trade with India, but that we should draw from her an immense amount of surplus revenue, or tribute. Perhaps it is not going too far to say that these expectations have been entirely disappointed. Great abuses existed in the government of the Bengal provinces when conquered by Clive; the servants of the East India Company making large fortunes by the oppression of the natives and the ruin of the country. But, notwithstanding the eradication of the abuses in question, the immense additions that have since been made to our empire, and the oppressive taxes laid on the natives, it is not very clear that England has hitherto derived any direct revenue from India. The distance of the country, and

the totally dissimilar language and customs of the people, are very great obstacles to our governing it with the economy necessary to make it yield any considerable amount of surplus revenue. The East India Company always contended that the profits made by their monopoly of the China trade were necessary to enable them to conduct the government of India. But, though there are strong grounds on which to impeach the accuracy of this statement, still it is abundantly clear that the surplus revenue we have derived from India, supposing there has been any such, has been comparatively inconsiderable; and quite trifling, indeed, compared with our own anticipations, and with the notions entertained by others of its magnitude.

Until very recently, or until 1815 and 1816, when the continued fall in the price of cotton goods, caused by the astonishing discoveries and inventions of Arkwright, and the other founders and improvers of the cotton manufacture, enabled us to export cottons to India and to undersell the natives, the trade between this country and India was of the most limited description. Previously to the opening of the trade in 1813–14 the total amount of the exports of all sorts, including the important item of military stores, by the East India Company and by private traders in the company's ships, did not amount to 1,400,000*l.* a year; and even on this a considerable loss is believed to have been incurred! But such has been the increased demand for British cottons, that the value of those exported to India amounts, at present, to about 1,500,000*l.* a year, and the whole of our exports to her to above 3,000,000*l.* Even this, considering the vast extent of India, is but a trifling export; it is, in fact, very decidedly less than half the amount of our exports to the United States.

The restricted amount of our commerce with India may, perhaps, be in some degree ascribed to its having been so long monopolised by the East India Company. But this will not explain the small surplus of Indian revenue; for, however ill fitted to serve as a commercial engine, the East India Company has governed India with singular discretion; and has made the most praiseworthy efforts to enforce economy in all departments of the administration, and to appoint the best men to all situations of power and emolument in that country. The patronage of India has always been less jobbed and abused than that of England; and there are few governments that have made more vigorous exertions to repress abuse, and to protect the rights of their subjects.

We subjoin some tables giving pretty ample details as to the population, trade, revenue, &c. of our colonies and dependencies.

Possessions omitted in the following Return.

N. B. The return does not contain the population and trade of the following possessions; viz. in—

Europe.—Guernsey, Jersey, Alderney, Sark, and Isle of Man, under the control of the Secretary of State for Home Department. United States of the Ionian Islands, 1834. Population, 194,395. Imports, 207,393*l.* Exports, 214,229*l.* Ships, inwards, 62; ditto, outwards, 42. Tonnage, inwards, 8,469; ditto, outwards, 5,753. These Islands are under the protection of Great Britain by treaty. 1814.

Asia.—The possessions of the East India Company.

Africa.—The Island of Ascension, under the control of the Lords of the Admiralty.

America.—The Settlement of the Hudson's Bay Company, 1834. Population, unknown. Imports, 64,225*l.* Exports, 54,268*l.* Ships, inwards, 5; ditto, outwards, 3. Tonnage, inwards, 1551; ditto, outwards, 878. These settlements are under the control of the Hudson's Bay Company. Falkland Islands. Population and trade unknown.

Australia.—The settlement of South Australia formed during the present year.

Returns relative to the Population and Trade of the Colonies or Foreign Possessions of the British Crown.

Table of Returns from each Colony or Foreign Possession of the British Crown, stating the Date at which each Colony or Possession was captured, ceded, or settled; the Number of the Population, distinguishing white from free coloured, and apprenticed Labourers at the latest Period; and whether having Legislative Assemblies, or governed by Orders of the King in Council; stating, also, the Value of Exports from, and Imports into, each of these Colonies in 1834.

Colonies.	Date of Capture, Cession, or Settlement.	Whether having Legislative Assemblies, or governed by Orders in Council.	Population, 1834, or latest Census.				Trade with Great Britain.					
							Imports into the United Kingdom. Official Value.	Exports from the United Kingdom. Official Value.	Number and Tonnage of Vessels to and from the United Kingdom and the Colonies. Inwards.		Outwards.	
						Totals.	1834.	1834.	Ships.	Tons.	Ships.	Tons.
							L.	L.				
North America.												
Lower Canada	Capitulation, 18th Sept. 1759	Governor, Council, and Assembly			549,005		613,598	1,539,624	989	290,881	986	288,180
Upper Canada	Ditto, 8th Sept. 1760, and cession by treaty, 1763	Ditto Ditto Ditto			336,461							
New Brunswick		Ditto Ditto Ditto			119,457		220,418	519,061	613	177,129	456	134,870
Nova Scotia	Fisheries and settlements established soon after their discovery in 1497	Ditto Ditto Ditto			142,548		88,014	285,244	161	37,925	143	35,739
Cape Breton		Ditto Ditto Ditto										
Prince Edward's Island		Ditto Ditto Ditto			32,292		181,566	353,981	137	17,120	292	43,726
Newfoundland		Ditto Ditto Ditto			60,088							
		Totals				1,239,851	1,103,596	2,497,910	1,900	523,055	1,877	502,515
West Indies.			Whites.	Free Coloured.	Apprenticed Labourers.							
Antigua	Settlement, 1632	Governor, Council, and Assembly	1,980	33,432	- -	35,412	446,746	159,288	67	15,202	60	14,108
Barbadoes	Ditto, 1605	Ditto Ditto Ditto	14,959	5,146	82,807	102,912	648,446	394,764	79	21,387	113	30,299
Dominica	Ceded by France, 1763	Ditto Ditto Ditto	840	5,606	14,384	18,830	135,396	35,700	12	2,880	9	2,566
Grenada	Ditto, 1763	Ditto Ditto Ditto	801	5,786	23,536	28,123	315,611	90,712	40	10,876	36	9,809
Jamaica	Capitulation, 1655	Ditto Ditto Ditto	No cen	sus taken.	311,692	311,692	5,346,359	2,195,546	259	78,682	238	72,040
Montserrat	Settlement, 1632	Ditto Ditto Ditto	330	974	6,355	7,659	42,080	7,212	5	1,281	4	1,056
Nevis	Ditto, 1628	Ditto Ditto Ditto	700	2,000	8,722	1,422	90,454	12,169	10	2,659	14	5,739
St. Kitts	Ditto, 1623	Ditto Ditto Ditto	1,612	3,000	20,660	25,272	166,709	77,432	22	5,958	10	5,002
St. Lucia	Capitulation, 22d June, 1803	Governor and Council, and Orders of the King in Council	881	5,919	13,348	18,148	110,816	35,034	14	3,005	12	2,747
St. Vincent	Ceded by France, 1763	Governor, Council, and Assembly	1,501	2,824	22,997	27,122	331,467	110,509	36	10,509	40	11,525
Tobago	Ditto, 1763	Ditto Ditto Ditto	280	3,000	11,621	4,901	139,668	40,122	20	4,814	22	5,289
Tortola	Settlement, 1666	Ditto Ditto Ditto	477	1,296	5,192	6,965	31,719	2,077	5	1,011	4	920
Anguilla	Ditto, 1666	Ditto Ditto Ditto	365	327	2,388	3,080						
Trinidad	Capitulation, 18th Feb. 1797	Governor and Council, and Orders of the King in Council	4,201	18,724	22,359	45,284	625,897	328,435	87	20,012	80	18,815
Bahamas	Settlement, 1629	Governor, Council, and Assembly	14,657	4,211	9,705	18,573	67,736	81,577	27	4,515	15	2,608
Bermudas	Ditto, 1609	Ditto Ditto Ditto	4,264	4,456	- -	8,720	6,710	33,909	1	59	8	1,802
British Guiana — Demerara and Essequibo	Capitulation, 18th Sept. 1803	Governor and Council, and Orders of the King in Council	3,006	6,360	65,556	74,922	1,416,936	481,324	169	46,904	169	48,169
British Guiana — Berbice	Ditto, 23d Sept. 1803	Ditto Ditto Ditto	570	1,651	19,359	21,580	223,925	55,766	22	5,788	22	6,074
Honduras	Treaty, 1670	Superintendent and Magistrates	250	1,788	1,920	3,958	263,432	672,359	43	11,165	44	14,013
		Totals	- -	- -	- -	784,575	8,410,107	4,818,635	918	246,605	900	246,509
Gibraltar	Capitulation, 4th Aug. 1704	Governor and Orders of the King in Council	14,998	10	- -	15,008	47,355	1,423,166	28	5,720	100	12,885
Malta and Gozo	Ditto, 5th Sept. 1800	Governor and Council, and Orders of the King in Council	106,578	-	- -	123,125	14,955	589,425	9	1,219	86	13,006
Cape of Good Hope	Ditto, 10th Jan. 1806	Ditto Ditto Ditto	16,547									
Sierra Leone	Settlement, 1787		55,675	37,852	38,427	131,954	248,760	649,153	27	5,566	47	9,145
Gambia	Ditto, 1631	Governor and Council	85	35,438	- -	35,523	456,016	794,979	136	32,213	150	35,358
Ceylon	Capitulation, 17th Sept. 1795	Governor and Council, and Orders of the King in Council	45	5,710	- -	5,755						
Mauritius	Ditto, 3d Dec. 1810	Ditto Ditto Ditto	6,786	1,123,636	26,625	1,157,047	289,917	95,937	10	2,774	13	4,518
New South Wales	Settlement, 1787	Governor and Council, and British Acts of Parliament	8,844	15,851	68,613	93,308	782,148	307,848	75	20,909	33	9,195
			36,251	Aborigines not ascertained	24,543 convicts	60,794	152,040	735,825				
Van Diemen's Land	Ditto, 1803	Ditto Ditto Ditto	22,150	Ditto	15,538 convicts	37,688	95,349	336,539	42	12,400	90	29,567
Western Australia	Ditto, 1829	Ditto Ditto Ditto	2,070	Ditto	- -	2,070	69	5,089				
Heligoland	Capitulation, 1807	Governor and Orders of the King in Council	2,221	-	- -	2,221	11	203	1	56	1	53
		Totals	- -	- -	- -	1,660,493	2,086,620	4,938,164	328	78,857	520	113,525
		General Totals	- -	- -	- -	3,684,919	11,600,323	12,254,709	3,146	848,547	3,297	862,649

AN ACCOUNT of the total Annual Revenues and Charges of the British Possessions in India, under the East India Company, from 1809-10 to 1829-30; showing also the Nett Charge of Bencoolen, Prince of Wales Island, and St. Helena, the Interest paid on account of Debts in India, and the Amount of territorial Charges paid in England.—(*Parl. Papers*, No. 22. Sess. 1830, and No. 306. Sess. 1833.)

Years.	Total Gross Revenues of India.	Total Charges in India.	Nett Charge of Bencoolen, &c.	Interest on Debts.	Territorial Charges paid in England.			General Result.	
					Cost of Political Stores.	Payments, Pensions, &c.	Total.	Surplus Revenue.	Surplus Charge.
	L.	L.	L.	L.	L.	L.	L.	L.	L.
1809—10	16,464,391	13,775,577	203,361	2,159,019	190,128	867,097	1,057,225	- -	730,791
1810—11	16,679,198	13,909,983	199,663	2,196,691	217,703	901,688	1,119,391	- -	736,530
1811—12	16,605,616	13,220,967	168,288	1,457,077	154,998	922,770	1,077,768	681,516	
1812—13	16,459,774	13,659,429	201,349	1,491,870	193,784	1,184,976	1,378,768	- -	271,634
1813—14	17,228,711	13,617,725	209,957	1,537,434	64,257	1,148,156	1,212,413	651,182	
1814—15	17,231,191	14,182,454	204,250	1,502,217	129,873	1,064,223	1,194,596	147,677	
1815—16	17,168,195	15,081,587	225,558	1,584,157	81,903	1,199,952	1,281,885	- -	1,004,992
1816—17	18,010,135	15,129,839	205,372	1,719,470	194,374	1,071,176	1,265,550	- -	310,096
1817—18	18,305,265	15,844,964	219,793	1,753,018	81,941	1,094,701	1,176,642	- -	689,152
1818—19	19,392,002	17,558,615	210,224	1,665,921	133,162	1,150,378	1,280,540	- -	1,323,305
1819—20	19,172,506	17,040,848	142,049	1,940,327	265,055	1,150,391	1,415,446	- -	1,466,164
1820—21	21,292,036	17,520,612	220,043	1,902,585	228,058	1,072,106	1,300,164	348,652	
1821—22	21,753,271	17,555,668	207,816	1,932,835	202,735	1,175,149	1,377,884	679,068	
1822—23	23,120,934	18,083,482	154,761	1,694,731	204,147	1,354,960	1,559,107	1,528,853	
1823—24	21,238,623	18,902,511	257,276	1,652,449	395,276	758,590	1,153,866	- -	727,479
1824—25	20,705,152	20,410,929	279,277	1,460,433	414,181	1,166,078	1,580,259	- -	3,025,746
1825—26	21,096,960	22,346,365	214,285	1,575,941	740,728	1,076,504	1,817,232	- -	4,856,857
1826—27	23,327,753	21,424,894	207,973	1,749,068	1,111,792	1,318,102	2,429,894	- -	2,484,076
1827—28	22,818,184	41,778,431	272,014	1,958,313	805,016	1,255,125	2,060,141	- -	3,250,715
1828—29	22,692,711	19,298,622	250,794	2,121,165	449,603	1,517,802	1,967,405	- -	945,275
1829—30	21,662,310	18,300,715	213,304	2,007,693	293,873	1,454,867	1,748,740	- -	608,142

ABSTRACT VIEW of the Revenues and Charges of India for the Years 1831-32, 1832-33, 1833-34, and (by estimate) 1834-35.

	Revenue.					Charge.			
	1831-32.	1832-33.	1833-34.	1834-35.		1831-32.	1832-33.	1833-34.	1834-35.
	L.	L.	L.	L.		L.	L.	L.	L.
Bengal - -	9,474,084	9,487,778	8,844,241	5,445,100	Bengal - -	7,535,170	7,687,228	7,018,449	6,749,293
Agra - -	- -	- -	- -	3,657,900	Agra - -	- -	- -	- -	581,800
Madras - -	3,222,155	2,969,956	3,235,233	3,301,982	Madras - -	3,239,261	3,174,347	3,258,995	3,076,404
Bombay - -	1,401,916	1,497,308	1,600,691	1,503,782	Bombay - -	2,060,498	2,034,710	1,968,045	1,905,749
Total revenues of India	14,198,155	13,955,642	13,680,165	13,908,764	Total charges in India - -	12,834,929	12,896,285	12,245,489	12,313,246
					Charge on account of St. Helena -	94,152	95,553	91,641	10,986
					Charge on account of India in England - -	1,476,655	1,227,536	1,223,637	2,162,868
					Total charges of India - -	14,405,736	14,219,374	13,680,767	14,487,100
Deficiency of ordinary revenue -	207,581	264,332	- -	578,336	Surplus of ordinary revenue -	- -	- -	49,398	
	14,405,736	14,219,374	13,680,165	14,487,100		14,405,736	14,219,374	13,680,165	14,487,100

N.B. The Company realised in 1834-35, the sum of 10,679,223*l.* by the sale of commercial assets. The debts of the Company in India on the 30th of April, 1834, amounted to 35,463,483*l.*, bearing an interest of 1,754,546*l.* a year. —(*Parl. Paper*, No. 380, Sess. 1836.)

In 1805, according to the official returns, the total number of British-born subjects in Hindostan was 31,000. Of these 22,000 were in the army as officers and privates; the civil officers of government of all descriptions were about 2,000; the free merchants and mariners, who resided in India under covenant, about 5,000; the officers and practitioners in the courts of justice, 300; the remaining 1,700 consisted of adventurers, who had smuggled themselves out in various capacities. Since the date above mentioned, no detailed reports have been published; but there is reason to believe that, at present, the total number of British subjects in Hindostan does not much exceed 40,000; the removal of the restrictions on the commercial intercourse having, contrary to expectation, added very few to the previous number. That so small a number of individuals should be able to govern so vast a population, differing from them in language religion, and habits, is amongst the most extraordinary phenomena to be met with in the history of mankind.

EXTENT AND POPULATION OF INDIA.—We copy the following table from the second edition of Mr. Hamilton's Indian Gazeteer. Some later accounts have been published as to the population of particular provinces; but we believe that this is the most accurate statement that has hitherto been framed, embracing the whole country.

	British Square Miles.	Population.
Bengal, Bahar, and Benares	162,000	39,000,000
Additions in Hindostan since A. D. 1765	148,000	18,000,000
Gurwal, Kumoon, and the tract between the Sutuleje and Jumna	18,000	500,000
Total under the Bengal presidency	328,000	57,500,000
Under the Madras presidency	154,000	15,000,000
Under the Bombay presidency	11,000	2,500,000
Territories in the Deccan, &c., acquired since 1815, consisting of the Peishwa's dominions, &c., and since mostly attached to the Bombay presidency	600,000	8,000,000
Total under the British government	553,000	83,000,000
BRITISH ALLIES AND TRIBUTARIES.		
The Nizam	96,000	10,000,000
The Nagpoor Raja	70,000	3,000,000
The King of Oude	20,000	3,000,000
The Guicowar	18,000	2,000,000
Kotah, 6,500; Boondee, 2,500; Bopaul, 5,000	14,000	1,500,000
The Mysore Raja	27,000	3,000,000
The Satara Raja	14,000	1,500,000
Travancore, 6,000; Cochin, 2,000	8,000	1,000,000
Under the Rajas of Jondpour, Jeypoor, Odeypoor, Bicancere, Jesselmere, and other rajpoot chiefs, Holcar, Ameer Khan, the Row of Cutch, Bhurtpoor, Macherry, and numerous other petty chiefs, Nelkes, Gonds, Bheels, Coolies, and Cattles, all comprehended within the line of British protection	285,000	15,000,000
Total under the British government and its allies	1,103,000	123,000,000
INDEPENDENT STATES.		
The Nepaul Raja	53,000	2,000,000
The Lahore Raja (Runjeet Singh)	50,000	3,000,000
The Ameers of Sinde	24,000	1,000,000
The dominions of Sindia	40,000	4,000,000
The Cabul sovereign, east of the Indus	10,000	1,000,000
Grand total of Hindostan	1,280,000	134,000,000
INDIA BEYOND THE GANGES.—British Acquisitions in 1824 and 1825.		
Countries south of Rangoon, consisting of half the province of Martaban, and the provinces of Tavoy, Ye, Tenasserim, and the Mergui isles	12,000	51,000
The province of Arracan	11,000	100,000
Countries from which the Burmese have been expelled, consisting of Assam and the adjacent petty states, occupying a space of about	54,000	150,000
Total	77,000	301,000

AN ACCOUNT of the Value of the Imports and Exports between Great Britain and all Places eastward of the Cape of Good Hope (excepting China); distinguishing the Private Trade from that of the East India Company, in each Year, from 1814 to the latest Period to which the same can be made.

Years.	Value of Imports into Great Britain from all Places eastward of the Cape of Good Hope (except China), according to the Prices at the East India Company's Sales in the respective Years.			Value of Exports from Great Britain to all Places eastward of the Cape of Good Hope (except China), according to the Declarations of the Exporters.		
	By the East India Company.	Private Trade.	Total Imports.	By the East India Company.	Private Trade.	Total Exports.
	L.	L.	L.	L.	L.	L.
1814	4,208,079	4,435,196	8,643,275	826,558	1,048,132	1,874,690
1815	3,016,556	5,119,611	8,136,167	996,248	1,569,513	2,565,761
1816	2,027,703	4,402,082	6,429,785	633,546	1,955,909	2,589,455
1817	2,323,630	4,541,956	6,865,586	638,382	1,750,333	2,388,715
1818	2,305,003	6,901,144	9,206,147	553,885	3,018,779	3,572,164
1819	1,932,401	4,683,367	6,615,768	760,508	1,586,575	2,347,083
1820	1,757,137	4,201,389	5,958,526	971,096	2,066,815	3,037,911
1821	1,743,733	3,031,413	4,775,146	887,619	2,656,776	3,544,395
1822	2,092,329	2,621,334	3,713,663	606,089	2,838,354	3,444,443
1823	1,587,078	4,344,973	5,932,051	458,550	2,957,705	3,416,255
1824	1,194,753	4,410,347	5,605,100	654,783	2,841,795	3,496,578
1825	1,462,692	4,716,083	6,178,775	598,553	2,574,660	3,173,213
1826	1,520,060	5,210,866	6,730,926	990,964	2,480,588	3,471,552
1827	1,612,480	4,068,537	5,681,017	805,610	3,830,580	4,636,190
1828	1,930,107	5,135,073	7,065,180	488,601	3,979,072	4,467,673
1829	1,593,442	4,624,842	6,218,284	434,586	3,665,678	4,100,264
1830	1,593,566	4,085,505	5,679,071	195,394	3,891,917	4,087,311
1831	1,434,372	4,295,438	5,729,810	146,480	3,488,571	3,635,051
1832	1,107,787	5,229,311	6,337,098	149,193	3,601,093	3,750,286
1833	-	-	-	-	-	4,152,311
1834	-	-	-	-	-	5,065,460

STATEMENT of the Nett Expenditure incurred by Great Britain, on account of her several Military and Maritime Stations, Colonies, and Plantations, during the Year 1833–34. — (*Parl. Paper*, No. 408. Sess. 1835.)

Colonies, &c.	Military Expenditure.	Civil Expenditure.	Naval Expenditure.	Total Expenditure for Military, Civil and Naval Establishments.	Advances in aid of Colonial Revenues.	Repayments from Colonial Revenues, and Surplus Customs, and Post Office Collections.	Total Expenditure incurred by Great Britain.
	L. s. d.	L. s. d.	L. s. d.	L. s. d.	L. s. d.	L. s. d.	L. s. d.
Military and Maritime Stations:							
Gibraltar	153,858 3 9	- -	659 5 9	154,517 9 6	- -	127 6 9	154,390 2 9
Malta	100,605 17 10	- -	6,180 9 7	106,986 7 5	- -	211 13 5½	106,714 13 11½
Cape of Good Hope	92,657 18 5	1,204 4 0	3,360 14 3	97,222 16 8	- -	- -	97,222 16 8
Mauritius	116,389 12 2	685 6 0	- -	117,074 18 2	- -	- -	117,074 18 2
Bermuda	69,338 1 10	29,464 15 11½	15,296 19 6	114,099 17 3½	- -	- -	114,099 17 3½
Fernando Po	983 19 0	7,512 5 9	- -	8,526 4 9	- -	- -	8,526 4 9
Ascension	1,417 11 10	- -	9,754 2 9	11,171 14 7	- -	- -	11,171 14 7
Heligoland	500 0 0	362 19 5	- -	862 19 5	- -	- -	862 19 5
Ionian Islands	97,690 17 4	- -	- -	97,690 17 4	- -	- -	97,690 17 4
Plantations and Settlements:							
Jamaica Command:							
Jamaica, Bahamas, Honduras	210,753 14 5	5,654 16 9	2,679 0 11	219,087 12 1	- -	- -	219,087 12 1
Windward and Leeward Islands Command:							
Barbadoes, Grenada, St. Vincent, Tobago, Antigua, Montserrat, St. Christopher's, Nevis, Anguilla, Virgin Islands, Dominica, St. Lucia, Trinidad, British Guiana	409,612 0 5	5,030 19 2	458 0 0	416,000 19 7	848 6 8	- -	423,725 0 10½
					6,875 14 7½	- -	
Lower Canada, Upper Canada	254,778 14 0	5,893 10 1½	2,577 10 0	263,249 14 1½	- -	- -	263,249 14 1½
Nova Scotia Command:							
Nova Scotia, New Brunswick, Prince Edward's Is., Newfoundland	128,326 2 5	20,435 10 5½	7,802 18 0	156,564 10 10½	5,747 15 6	- -	162,312 6 4½
Sierra Leone, Gambia	28,199 16 7	11,061 16 1	1,500 0 0	40,761 12 8	- -	- -	40,761 12 8
Cape Coast	- -	3,500 0 0	- -	3,500 0 0	- -	- -	3,500 0 0
Ceylon	128,167 17 3	1,005 0 0	1,964 13 8	131,137 10 11	- -	17,797 10 4½	113,340 0 6½
Western Australia	5,371 18 1	19,082 3 4	- -	24,454 1 5	- -	- -	24,454 1 5
Penal Settlements:							
New South Wales, Van Diemen's Land	92,321 3 2	311,418 7 5½	- -	403,739 10 7½	- -	26,676 18 7½; 6,052 6 3½	371,010 5 9½
General Charges	29,114 8 1	8,000 0 0	- -	37,114 8 1	- -	- -	37,114 8 1
Totals	1,920,287 16 7	431,241 14 5½	50,175 14 5	2,401,703 5 5½	13,471 16 9½	50,865 15 5½	2,364,308 6 9½

CHAPTER VII.—VITAL STATISTICS.

To exhibit the sanatory state of the British population as accurately as existing materials permit, we shall severally examine the mortality, the sickness, the epidemics, the endemics, the prevailing forms of sporadic disease, and the various ways in which, at all ages, its successive generations perish.

Human existence may terminate at any instant between 0 and 100 years: it may be a constant process of disease, or remain uninterrupted by a day's sickness. On opening a watch, or any piece of mechanism, and observing the state of its springs, chains, or wheels, it is not difficult to foresee how long its movements will continue; but no one, contemplating a solitary individual of the human species, and ignorant of the secret sources of his life, as well as of the many conjunctures of external circumstances in which he may be placed,

can foretell the period when some mortal derangement will occur in his organisation; what diseases he will encounter; how long he will suffer, or the hour when his sufferings and his existence will end. The same uncertainty is extended, in the popular thought, to families, nations, and mankind, considered in collective masses; but observation proves that generations succeed each other, develope their energies, are afflicted with sickness, and waste in the procession of their life, according to fixed laws—that the mortality and sickness of a people are constant in the same circumstances, or only revolve through a prescribed cycle, varying as the causes favourable or unfavourable to health preponderate.

MORTALITY.

The physiological changes in the human body intimate that it was framed to continue in healthy action 70 or 80 years: yet owing to hereditary weakness, or a vicious tendency, and the imperfect adaptation of parts of the external world to its organisation, a certain number of every generation fall sick, and of these a certain number die at all ages: in such a ratio, however, that from birth to the age of puberty the sickness and mortality decline; while from puberty they increase slowly, in a geometrical progression, up to the 50th or 60th year, and then more rapidly to the end. In comparing, therefore, the sanatory state of different nations, it is not enough to know the absolute mortality or sickness to which they are subject; as experience has proved that these may be nearly the same, yet, from their bearing differently on the periods of childhood, manhood, or old age, have a very different effect on the national strength and resources.

From observations to which we shall again have occasion to recur, it appears that in manhood, when 1 person in 100 dies annually, 2 are constantly sick: and although this exact relation is, perhaps, not preserved in infancy and old age, or where the rate of mortality deviates much from the standard, it may be safely assumed as a near approximation to the truth. Admitting, then, that the annual mortality is 2·13 per cent., after the corrected returns, and that the population of England and Wales is 14,000,000, the total number constanly disabled by sickness will amount to 600,000 persons; and if the same proportions be extended to Scotland and Ireland, to 1,130,000. This reduces the efficient population of the empire 1-24th part; and the productive power, so far as it depends on human labour, 1-18th part, if the maintenance and attendance of the sick cost half the produce of their labour in health*: an example will show how it would be erroneous to suppose that two populations, in which the same absolute proportion of sick existed, suffered consequently to an equal extent. A third part of the registered deaths occur below 5 years of age, yet the mortality in England has latterly (1813–30) not been more than 49·7 per 1,000 at this early age: in Sweden it was (1755–75) 90·1 per 1,000; and it is probable that at the same period

* In the English provincial hospitals the maintenance and the drugs administered to each patient cost 1*s.* 5*d.* daily; in Paris 1*s.* 5½*d.*; in London considerably more. —(*British Medical Almanac*, p. 118.)

the mortality of infants in England was not a great deal lower than in Sweden: so that, if sickness have diminished at the same rate, the proportion of infants constantly ill is not half so great as it was a century ago. But children being entirely helpless, and in no way contributing to the nation's actual strength, a diminution of sickness among them, however desirable, adds little immediately to national power and happiness, compared with an improvement in the health of adults, between the ages of 15 and 60 years, such as has been observed in London since the 16th century, when the destructive epidemics ceased.

The magnitude of the subject, and the fact that more than a million of the inhabitants of the United Kingdom are disabled by disease and suffering, is of less importance than the consideration that their condition may be ameliorated to an immeasurable extent. In one class of English counties the mortality of males below 5 years of age is still 81·9 per 1,000, in others 41·9; and between the ages of 15 and 60 it varies from 11·0 to 19·0; implying a difference of 16 per 1,000 in the sickness; so that, if the health of the entire 13½ millions, now between the ages of 15 and 60, in these islands, were as good as that enjoyed by the inhabitants of some counties, the numbers constantly sick would not be so numerous by 554,000, as if the standard of health were reduced to that obtaining in the more insalubrious districts. In the one case, the mean number sick would be 773,300; in the other, 1,336,000. Whether it be possible or not to raise the standard of health to the height enjoyed in the former counties, or to one still higher, the importance of the subject recommends it to a careful experimental investigation; because, when the character and causes of our diseases are known, some provision may be made for their alleviation; the extent of the injuries which they inflict upon the public will be determined; and the standard of salubrity, indicating an increase or diminution of physical strength, will afford the best index of the prosperity of the nation, and of the extent to which it is affected by atmospherical, political, or economical influences.

The method pursued in obtaining the following results is unexceptionable, and demonstrates that for the last century the mortality of children in London has constantly been on the decline.

I. Table showing the Births and the Deaths under 5 Years of Age, according to the "London Bills of Mortality" for 100 Years, in 5 Periods of 20 Years each; also showing the Number dying under 5 Years out of 100 born.*

	1730-49.	1750-69.	1770-89.	1790-1809.	1810-29.
Total births - - -	315,456	307,395	349,477	386,593	477,910
Total deaths under 5 years - -	235,087	193,694	180,058	159,571	151,794
Dying per cent. under 5 years -	74·5	63·0	51·5	41·3	31·8

The general question of population has already been examined, and requires no further notice; but the deaths at different ages are so closely connected with health and with the great apparent changes in the diseases of this country, that we shall here present a comparative view of the rate of mortality that prevailed in England, Carlisle,

* On the Diminution in the Mortality of Infants in England, by T. R. Edmonds, Esq. — *Lancet*, vol. i. 1835-36.

Belgium, and Sweden, from an article by Mr. Edmonds, in the *British Medical Almanac* for 1836.

II. Table showing, in each of Thirteen Intervals of Age, the Number of Deaths which occur annually for every 1,000 Persons, living at the same Age, in England, Sweden, and Belgium.

Between Ages	England and Wales.					Carlisle.	Belgium.	Sweden.	
	Females, 7 Years, 1818-24.			18 Years, 1813-30.		9 Years, 1779-87. both Sexes.	1829, both Sexes.	21 Years, 1755-75, both Sexes.	20 Years, 1776-95, both Sexes.
	Living in 1821.	Dying in 7 Years.	Annual Deaths per 1,000.	Males.	Females.				
0 and 5	774,689	239,482	45·6	53·5	46·0	82·3	65·8	90·1	850
5 — 10	682,457	30,173	6·5	7·2	6·7	10·2	8·7	14·2	13·6
10 — 15	569,366	20,244	5·3	5·0	5·2	5·0	5·4	6·6	6·2
15 — 20	535,569	27,391	7·6	7·2	7·6	6·8	6·6	7·6	7·0
20 — 30	901,358	61,701	10·1	10·1	10·4	7·5	9·1	9·2	8·9
30 — 40	649,507	53,417	12·1	11·4	12·4	10·6	10·0	12·2	11·6
40 — 50	500,977	50,214	14·8	14·9	14·9	14·3	13·6	17·4	16·1
50 — 60	352,160	49,671	20·8	23·4	21·6	18·3	21·7	26·4	23·9
60 — 70	249,184	67,918	40·2	45·3	41·2	41·2	38·5	48·1	49·3
70 — 80	124,648	80,138	94·9	101·2	96·9	83·0	90·9	102·3	104·1
80 — 90	36,315	52,318	212·7	227·1	214·6	175·6	178·8	207·8	197·4
90 — 100	3,280	8,169	367·8	370·1	371·9	284·4	304·7	394·1	351·3
Above 100	129	512	586·1	611·1	560·6				
Ages specified -	5,379,619	741,348	20·3	21·7	20·7	25·0	22·7	28·9	26·8
Ages omitted -	765,090	27,157							
Total enumerated	6,144,709	768,505							
Estimated omission -	- -	106,780							

Here it appears that the mortality of the whole English population, between the ages of 20 and 40, was higher than in Belgium and Sweden, while the mortality in early life was much lower; and if the Carlisle observations ever approximatively represented the mortality of England, the waste of life in the 5 years of infancy has almost diminished one half during the last 100 years. Other observations support this probability.

In the 20 years, 1730–49, out of 100 born, 74·5 died under the age of 5 years. During the 20 years, 1810–29, only 31·8 died out of the same number. This table is from a paper of Mr. Edmonds, to whose investigations of the English population returns we shall have frequently to refer.

If half the children formerly cut off at an early age in England be now reared, and form part of the adult population; while the annual deaths between 20 and 30, instead of being 7·6, or 9·1, or 8·9 per 1,000, as in Carlisle, Belgium, and Sweden, are 10·1; it will appear that a vast number of weakly children are every year introduced into the English population, and that, unless proper means are taken to fortify the constitution in manhood, the relative vigour will not increase in the same ratio as the population.

Contrary to the Swedish observations, the mortality of females between the ages of 10 and 40 is higher than that of males: it is only in childhood, and after the 50th year, that the mortality of females is lower than that of males.

The extent to which, at 5 intervals of age, the mortality, and consequently the intensity of disease, differs in the English counties, is exhibited in the subsequent table (III.), calculated by Mr. Edmonds, on the ascertained ages of the living in 1821, and the deaths during the 18 years, 1813–30. The counties are arranged chiefly according

to the rate of mortality among females between the ages of 15 and 60 years. Mr. Edmonds conceived that the mortality of males at the same interval of age would not serve as a good index of the healthfulness of a locality, unless we could abstract the detrimental effect of their occupations, leading to fatal accidents or to loss of health. In many counties, also, the amount of the military and maritime population (which was not enumerated) diminishes considerably the value of the apparent mortality of the male sex.* (See Table III.)

III TABLE showing for each County of England the Annual Deaths which occur for every Hundred living in each of Five Gradations of Age, the Counties being classified according to the Mortality of Females between the Ages of Fifteen and Sixty Years

	Wales and the Forty two Counties	Males (without correction)						Females								
		0 5	5 15	15-30	30 60	Above 60	All Ages.	0 5	5 15	15-30	30 60	Above 60	All Ages.	Living in 1821	Proportion engaged in Agriculture, 1821
1	Cornwall	3 59	50	79	1 41	7 63	1 82	3 12	52	67	1 10	7 18	1 67	135	38 per cent
	Devon	4 55	53	82	1 43	7 56	2 04	3 96	54	71	1 23	7 12	1 85	231	41 —
2	Wales	3 84	53	90	1 38	7 50	1 90	3 38	52	75	1 25	7 08	1 79	367	51 —
	Monmouth	4 23	49	76	1 25	7 12	1 79	3 51	49	77	1 32	6 82	1 80	35	45 —
	Dorset	3 93	47	81	1 2.	7 02	1 86	3 32	51	85	1 35	7 12	1 81	76	43 —
	Somerset	4 34	56	80	1 41	7 37	1 97	3 80	57	83	1 34	7 09	1 87	185	43 —
	Wilts	3 66	·49	79	1 31	7 21	1 83	3 25	53	87	1 40	7 40	1 84	114	52 —
3	Gloucester	4 24	55	83	1 48	6 80	1 91	3 55	49	85	1 35	6 50	1 76	175	32 —
	Hereford	3 88	46	78	1 29	7 06	1 90	3 13	51	95	1 36	7 27	1 88	52	62 —
	Northumberland	3 97	59	88	1 38	6 73	1 90	3 35	54	74	1 32	6 55	1 72	104	27 —
	Cumberland	4 74	61	87	1 42	7 68	2 06	4 46	61	81	1 35	7 32	1 98	81	36 —
	Westmoreland	3 87	67	87	1 30	7 54	1 97	3 49	58	93	1 47	7 85	2 05	26	49 —
	North York	3 79	53	87	1 [illegible]	7 30	1 91	3 17	55	96	1 34	7 04	1 88	93	43 —
4	Rutland	4 37	44	68	1 31	7 50	1 98	3 84	55	93	1 38	7 32	2 01	[illegible]	61 —
	Norfolk	3 20	54	84	1 24	7 21	2 08	4 40	55	88	1 31	7 02	1 97	177	49 —
	Suffolk	3 73	45	81	1 19	6 86	1 78	3 24	49	95	1 37	6 83	1 80	138	50 —
	Hertford	4 48	54	80	1 45	8 22	2 00	4 05	54	92	1 12	7 62	1 91	66	52 —
	Durham	4 34	84	1 15	1 51	7 97	2 28	4 49	72	91	1 54	7 53	2 14	109	21 —
	East York	5 48	63	94	1 38	7 59	2 17	4 66	60	89	1 41	7 17	1 98	98	38 —
5	West York	5 18	62	88	1 41	7 38	2 09	4 57	56	93	1 48	7 32	1 98	402	20 —
	Leicester	5 21	52	81	1 33	7 26	2 04	4 38	51	91	1 41	7 30	1 95	88	35 —
	Lincoln	5 13	56	78	1 44	7 39	2 07	4 39	58	90	1 45	7 45	1 98	141	59 —
	Salop	4 56	61	98	1 52	7 45	2 08	3 91	57	1 02	1 42	7 37	1 98	104	44 —
	Derby	4 38	56	92	1 29	7 38	1 94	3 72	54	1 07	1 50	7 63	1 91	107	34 —
	Northampton	4 64	55	81	1 32	7 37	2 05	3 97	63	1·10	1 52	7 49	2 08	83	53 —
	Huntingdon	4 72	57	84	1 55	7 55	2 09	4 21	63	1 00	1 52	7 22	2 02	25	62 —
	Essex	4 41	50	92	1 54	7 88	2 05	3 9.	61	1 06	1 53	7 29	1 97	145	56 —
6.	Bedford	4 17	58	78	1 34	7 51	1 92	3 49	65	1 14	1 58	7 40	1 95	43	62 —
	Bucks	4 72	53	81	1 34	7 65	2 05	3 98	63	1 10	1 54	7 96	2 08	69	58 —
	Oxford	4 97	50	78	1 36	7 82	2 05	4 14	53	99	1 47	7 82	2 01	68	55 —
	Berks	4 72	53	90	1 51	7 93	2 12	4 16	55	1 05	1 53	7 69	2 08	67	53 —
	Southampton	4 43	55	99	1 53	7 88	2 10	3 77	58	96	1 52	7 68	2·01	145	42 —
	Sussex	3 93	51	91	1 55	7 16	1 87	3 41	50	1 08	1 45	7 00	1 79	116	50 —
	Lancaster	6 56	71	1 04	1 64	7 66	2 40	5 78	65	1·02	1 73	7 59	2 24	540	11 —
	Chester	5 57	71	1 07	1 63	8 20	2 32	4 78	68	1 11	1 76	8 22	2 22	137	35 —
	Nottingham	6 38	61	·90	1 41	7 18	2 27	5 37	62	1 06	1 57	7 04	2 16	95	35 —
7	Stafford	5 98	68	1 06	1 60	7 80	2 34	5 43	62	1 07	1 58	7 41	2 20	169	27 —
	Warwick	6 12	63	90	1 53	6 16	2 26	5 29	64	·93	1 53	6 03	2 08	141	28 —
	Worcester	5 81	65	93	1 47	7 54	2 26	5 21	62	1 04	1 51	7 21	2 15	94	38 —
	Cambridge	5 96	71	·90	1 63	7 85	2 34	5 08	71	1·03	1 62	7 85	2 23	62	61 —
	Kent	5 60	66	1 41	2 04	7 82	2 54	4 75	61	1 02	1 63	7 69	2 11	216	36 —
8	Surrey	7 75	71	1 05	2 12	9 81	2 81	6 40	69	92	1 77	8 78	2 41	209	17 —
	Middlesex	8 34	84	1 06	2 46	11 02	3 03	6 77	78	83	1 96	10 36	2 53	612	4 —
	England and Wales	5 30	61	94	1 59	7 77	2 21	4 56	60	93	1 52	7 53	2·05	6,145	34 per cent

The numbers representing the mortality in thirty nine counties have been obtained by increasing the registered deaths one ninth part In the case of Wales, Monmouth, Middlesex, and Surrey, the increase has been one fourth part The relative weight of each observation is indicated by the additional column representing in thousands the amount of the female population of each county

We leave to the reader to investigate the causes which increase or diminish mortality in the several counties, and to compare their geological, botanical, meteorological, and economical states, with this table. It will be observed, that the healthiness of each class of counties decreases from Cornwall and Devon, the healthiest in England, to Cambridge, Kent, Surrey, and Middlesex, where the mortality is greatest. A slight diminution of the mortality, varying from ·05 to

* Lancet, vol i. 1835-36. No. 12.

·09, is required, between the ages of 15 to 60, in some of the counties where the maritime and military population was not enumerated, although its deaths are recorded in the parish registers. This correction has been made in Table IV.

IV. TABLE showing, in each of Six Gradations of Age, the Mortality per cent. of each Sex in each of Eight Classes of English Counties.

Class.	Males (corrected).*							Females.						
	0-5	5-10	10-15	15-30	30-60	Above 60	All Ages.	0-5	5-10	10-15	15-30	30-60	Above 60	All Ages.
				1·10										
1	4·19	·63	·38	·75	1·36	7·58	1·90	3·65	·63	·41	·70	1·18	7·14	1·78
2	3·87	·60	·44	·83	1·31	7·46	1·83	3·39	·59	·43	·75	1·26	7·06	1·79
3	4·14	·63	·41	·76	1·32	7·15	1·86	3·58	·59	·47	·83	1·35	6·96	1·83
4	4·36	·58	·44	·80	1·23	7·30	1·92	3·76	·55	·52	·92	1·35	7·12	1·90
5	5·24	·72	·52	·86	1·38	7·47	2·09	4·52	·64	·52	·92	1·47	7·33	2·00
6	4·45	·62	·47	·87	1·40	7·62	1·99	3·81	·58	·55	1·05	1·50	7·51	1·96
7	6·11	·78	·56	1·03	1·64	7·64	2·34	5·33	·71	·56	1·03	1·65	7·48	2·18
8	6·19	1·05	·53	·95	2·27	10·72	2·88	6·68	·95	·53	·85	1·91	9·95	2·50
				1·90										
Totals	5·30	·72	·49	·88	1·53	7·77	2·15	4·56	66	·52	·93	1·52	7·53	2·05
				1·33										
	Table of "Mean Mortality," when period of "Infancy" terminates at seven years							4·47	·77	·65	·86	1·66	7·62	2·09

Except Cambridge, it will be found that, generally, the counties having the greatest proportion of inhabitants congregated in towns are the most unhealthy. Above 60, the mortality in these counties would have been higher, had the ages of the inhabitants of Birmingham, Bristol, Newcastle upon Tyne, Manchester, Leeds, and some other large towns, not been omitted, in some unaccountable manner, in the specification made in 1821. Through this omission, and the uncertainty in the parish registry, it is impossible to ascertain the present mortality prevailing in many of our large towns. The population returns furnish materials for determining the mortality in only the 6 towns subjoined: the absolute mortality in which is stated, on the assumption that the registered deaths are to be increased 20 per cent. in order to obtain the true number of deaths; while, in the whole of England and Wales, the estimated increase was 13·92 per cent. Fortunately the invaluable observations collected in Glasgow by the "Committee on Churchyards," comprehending an accurate return of the deaths during 15 years (1821-35), and two enumerations of the living, and their ages, come here to our assistance: they have furnished Mr. Edmonds the materials for determining very accurately the mortality in Glasgow during the three last quinquennial periods. The public spirit of the Glasgow town council, and the enlightened exertions of Dr. Cleland, in obtaining a second voluntary enumeration of the living, and their ages, in 1831, are as honourable to them, as the omission of the ages in 1831 is discreditable to the persons who directed the last census in England and Scotland.

* The apparent mortality of the male sex between 15 and 30, between 30 and 60, and at all ages, has been diminished by ·06 in the total, and in classes 1, 2, and 3; it has been diminished by ·03 in classes 4, 5, 6, and 7; and by ·10 in the eighth class.

V. Table of the Annual Mortality per Cent. at every Age in Glasgow during the 15 Years, 1821-35, compared with the Mortality prevailing during 18 Years, 1813-30, in 6 large English Towns, viz. York, Norwich, Plymouth, Hull, Portsmouth, Liverpool, — and in London.

Between Ages.	1813-30, Six Towns of England.	1821-35, Glasgow.	1813-30, London.	Between Ages.	1813-30, Six Towns of England.	1821-35, Glasgow.	1813-30, London.
0— 5	8·63	8·10	8·27	60—70	5·83	6·04	7·34
5—10	1·03	1·24	1·08	70—80	12·10	13·37	15·23
10—20	0·73	0·76	0·60	80—90	24·62	23·81	29·91
20—30	1·39	1·17	1·07	Above 90	42·72	42·55	33·55
30—40	1·56	1·57	1·52				
40—50	1·96	2·31	2·29	All Ages.	2·95	2·83	2·84
50—60	3·00	3·50	3·61				

By comparing the mortality prevailing in all these towns with that of England, it will be seen how much the chances of dying are increased among the mass of people dwelling in cities.

To show what variation has taken place in Glasgow during the last 15 years, the following table was constructed: —

VI. Table showing for each of Three Quinquennial Periods the average Annual Deaths which occurred in each Interval of Age, out of 100 living at the same Interval; also showing the Annual Mortality for the 4 last Years, exclusive of the Year of Cholera.*

Between Ages.	Males.			Females.			Third Period exclusive of Year of Cholera.	
	1821-25	1826-30.	1831-35.	1821-25.	1826-30.	1831-33.	Males.	Females.
0— 5	8·08	7·47	9·78	7·66	7·10	8·52	9·51	8·29
5—10	1·31	1·14	1·31	1·26	1·11	1·31	1·26	1·24
10—20	·74	·82	·95	·71	·61	·72	·93	·67
20—30	1·23	1·39	1·51	·88	·84	1·12	1·46	·92
30—40	1·55	1·56	2·14	1·24	1·32	1·85	1·77	1·48
40—50	1·82	2·31	3·19	1 65	2·06	2·87	2·60	2·21
50—60	2·84	3·71	4·11	2·68	3·36	4·30	3·29	3·51
60—70	5·72	6·38	6·97	4·67	5·74	6·72	6·00	5·50
70—80	12·70	15·45	17·90	10·48	11·88	13·02	15·54	11·02
80—90	21·27	29·07	30·33	16·72	21·97	25·50	28·34	22·72
Above 90	56·29	54·60	37·36	31·04	31·52	44·48	36·69	42·76
All Ages	2·78	2·91	3·59	2·37	2·40	2·93	3·31	2·62
30—60	1·84	2·27	2·89	1·69	1·98	2·66	2·35	2·12
Above 60	8·81	10·25	10·95	7·32	8·70	9·77	9·60	8·37

This table deserves serious attention; it places beyond all doubt the remarkable fact that, "between the ages 30 and 60, the mortality of each sex increased 20 per cent. every 5 years. This is the case after deducting 10 per cent. from the actual average of the 5 years, 1831-35, as the effect of the cholera visitation in 1832. The mortality in 1832, between the ages of 30 and 60, really raised the average 20 per cent." By comparing the two last columns of the table with the third and sixth, it becomes evident that cholera increased the mortality principally between the ages of 20 and 70.

Through the ignorance, not yet wholly dispelled, of the conditions of animal existence prevailing when large towns were built, the social and intellectual advantages which they offered were in part neutralised, and in some instances overbalanced, by their baleful influence upon the health and physical strength of the inhabitants. It is probable that the population of several cities in Europe was only

* *Lancet*, 1835-36, No. 12. The materials from which these tables have been deduced were communicated to Mr. Edmonds by Henry Paul, Esq., the present convener of the Committee on Churchyards in Glasgow; and have been published in the *Lancet*.

maintained by immigration; and when large towns were designated by Dr. Price "the graves of mankind," experience and calculation sanctioned the appellation. Besides certain vices, and the misery of the poor, in cities, the privation of atmospheric air in narrow streets or close rooms, and the accumulation of carbonic acid preventing the escape of that gas from the lungs, as well as the collection of putrid effluvia, and the imperfect drainage of excretions and refuse animal or vegetable matter, are the main sources of insalubrity where masses of men are collected. A city on a well selected site, constructed with a view to the supply of atmospheric air, and the removal of all refuse matter, whether gaseous, liquid, or solid, may undoubtedly be rendered little less healthy than the country. The increasing mortality in Glasgow is in part due to the accession of Irish population, who amounted, in 1831, to 35,554, or to more than a sixth of the inhabitants. The poor Irish, we strongly suspect, are keeping up, if they are not introducing, the fevers of their wretched country in the heart of the British cities; this is confirmed in the case of Glasgow, by the ages at which the mortality is principally augmented, and by a Report of the Glasgow Infirmary before us, from which it appears that, in the year 1835, out of 3,260 patients treated, 1,258 had fevers, and of these 125 died.*

* This passage has inflamed the patriotism of an Irish reviewer; and Dr. Cowan, in a recent pamphlet, imagines that he has proved it to be incorrect. Dr. Cowan, however, has merely stated that the mortality increased, under 10 years of age, down to 1835; a fact which has been established in the preceding page, not by the isolated experience of single years, but by the three series of quinquennial observations. We admit this; but until some shadow of reasoning shall be advanced in favour of the opposite opinion, we cannot cease to consider the poor Irish, accumulated in English cities, a prolific source of epidemic disease. They enter this kingdom through three principal ports; Bristol, Liverpool, and Glasgow. And what are their circumstances on immigration? Dr. Symonds frequently found in Bristol a family of 5 or 6 "Irish adventurers" with one threadbare blanket between them. "It is a common circumstance," he says, "for a house to be tenanted by 5 or 6 families. We have found 13 individuals, men, women, and children, living promiscuously in one garret of no very large dimensions. On one occasion it happened to us to discover that 30 individuals had, on one night, slept in a room, the measurements of which did not exceed 20 ft. by 16 ft. The people thus congregated were Irish; they chanced to be on their way from London to their native country. At that period cholera was hovering over us, and, on the night to which we refer, it swooped down on 9 out of the 30, and 7 became corpses in the course of a few hours. * * They were under the scarcely less noxious agency of a loathsome diet."* It is calculated that the Irish in Liverpool amount to 30,000; and fever is nearly as prevalent in Liverpool as in Glasgow. The admissions into the fever ward were, in the year ending March, 1834, 1,102; 1835, 1,097; 1836, 1,680; 1837, 2,447; 1838, 2,816. In the latter year, 2,558 cases were treated, and 419 died of fever. † It is said that Manchester, Leeds, and other manufacturing towns, in which the Irish are numerous, are comparatively free from fever. But are the Irish themselves free from fever in the inland towns? Dr. Walker, physician to the Huddersfield Infirmary, observes: "The most irksome part of our duty is the visiting the vast number of Irish domiciled in the numerous lodging-houses; where we are never without some, and usually a large number of typhus cases. Last year it was very fatal. Two Catholic priests have fallen victims to it from attending these lodging-houses. We have

* Trans. of the Prov. Med. and Surg. Assoc., vol. ii. p. 167, 168.

† Medical Annual, 1839, p. 70.

No materials exist for determining the relative mortality at different ages in Scotland and Ireland; the proportions specified, in the enumeration of ages above 60, furnish, however, a certain approximation

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now about 40 or 50 cases of typhus among the Irish, most of whom require visiting. I have now been in the constant habit of giving gratuitous attendance to the out-patients of our charity for nearly a quarter of a century, and though it has fallen to my lot to see as many disgusting spectacles among the abodes of disease and poverty as any other medical man can have done, yet the present loathsome condition of our Irish lodging-houses surpasses any thing I have seen or read of in England."* If we follow these wanderers to the metropolis, disease is always found in their track: in the high healthy Highgate there is "a lodging-house, which is inhabited by a great number of the lowest and most abandoned persons, chiefly Irish beggars. These people frequently sleep three or more in a bed, which appears never to be changed or cleaned. There are 4 or 5 beds in some of the rooms, which are very imperfectly ventilated. This is a constant and prolific source of disease during summer and autumn; fever is seldom absent, and it is not without risk of infection that the sick can be visited. Within the last year 11 cases of severe disease have occurred in this house, mostly to be traced to the above causes: of the 11, 5 have died."† Typhus is endemic among the Irish in St. Giles's and St. George's, Bloomsbury, and in no other parish so far west. Let us return to Glasgow. Will a physician, so candid and so well informed as Dr. Cowan, maintain that 35,554 persons in such circumstances, and of such habits, can be introduced into any city with impunity? Will not the diseases, generated in their crowded loathsome dwellings, be communicated to the other inhabitants; whether by contagion or otherwise we stop not to inquire? And if epidemics originate in their huts in their own country, what is likely to take place in a crowded city, with narrow streets, and bad sewers? The population of Glasgow, in 1831, was found to be 202,426; and 35,554 were Irish. Dr. Cowan ascertained that, of 2,513 cases of fever received in 1836 at the Fever Hospital, 757 were Irish.‡ If the population had remained stationary, the proportion of the admissions in each class to the living would have been as follows: —

Irish population, 1,000.—Cases of fever sent to hospital in the year, 21.
Scotch, &c. - 1,000.—Cases of fever sent to hospital in the year, 10.

Fever was twice as frequent among the Irish as among the other inhabitants, according to this calculation; and as patients were daily refused admission for want of room, it is not probable that the Irish were admitted in undue proportion, to the exclusion of the Scotch.

In directing attention to a weighty sanatory fact, it is far from our intention to convey any reflection upon the Irish people. We shall, in treating of epidemics, show that the English were formerly in as bad a condition as the Irish; and we must say we had imagined that any attempt to prove that England is vitally interested in the prosperity and happiness of Ireland would be rendering neither country disservice; and we think so still, particularly now that a cry is beginning to be heard for war, and blood, and desolation, among the nations. Reduce your neighbours to ruin and starvation, and you inevitably give rise to diseases, which lower like avenging angels over your own heads. The French laid Egypt and Syria waste; the plague cut them off by thousands: the *Egyptian* ophthalmia blinded thousands all over Europe. The *black death* followed the victorious army of Crecy into England. The Russian army was completely paralysed in the last Turkish campaign, by plague, at Adrianople. If the cities in India had been well constructed, and the people prosperous, cholera would never have desolated the four quarters of the world. So God avenges oppression; it reaps the fruit of its own handiwork.

* Medical Annual, 1838, p. 85.

† Mr. R. Moger, surgeon to the Highgate district, *Fourth Rep. of the Poor Law Commissioners*, p. 78.

‡ Vital Statistics of Glasgow, by Dr. Cowan, p. 16.

to the truth. The number living above 60, for every 100 living between 30 and 60 years was, in

England and Wales	(Females) -	27·5
Scotland -	(Females) -	28·0
Ireland -	(Males and Females)	15·7
Belgium -	(Males and Females)	30·3 *

The proportion of old people in Ireland is little more than half the proportion living in Belgium: Scotland, in this respect, differs little from England.

Kings and Peers.—The average reigns of kings should correspond with the expectation of life at the period of accession. This varies in elective and hereditary princes. The mean age at accession is higher, and the reigns shorter, in the former, than in the latter case. The popes represent the electoral system; 156 successors of St. Peter occupied the papal chair 1023 years (800—1823). Each continued pope at an average 6⅓ years. In England, from William the Conqueror to William IV., 34 sovereigns reigned 763 years; the mean age at accession was 30 years, and the mean length of the reigns 22½ years. The hereditary kings were younger men on their accession than the popes: the kings who gained the throne by violence, or were chosen by the people, have been above 30 years of age in England. William the Conqueror was 42 years of age; Cromwell, 52; William III., 39; George I., 55, at the time they ascended the throne. When, as in the case of George IV. and William IV., the crown devolves upon a brother, the age at accession is advanced, and the reign shortened. The ancients reckoned three generations to a century; and the estimate is very near the truth, where the line is uninterruptedly kept up from father to son. In the English peerage 31¾ years intervene, at an average, between the birth of father and son, in the line of ancestors of any peer. Newton, in his Chronology, found, upon taking 11 monarchies, that 189 kings reigned 3,597 years; and that the mean of all the reigns was 19 years.

Of the 34 English sovereigns, 10 died violent deaths; 2 died in battle; 3 by accidents; 1 was publicly executed; 4 were assassinated by other sovereigns. Suspicion of poisoning was popularly entertained in other instances. The mean expectation of life, of the 34 sovereigns at the time of their accession, was 34 years, according to the Carlisle table: they should, therefore, have died aged 64; but died actually at the age of 52½; their life was 12 years shorter than it should have been, according to the rate of mortality prevalent among the people generally in the present century. If Mr. Milne's Swedish table, which represents a lower mortality, be referred to, the mean duration of the reigns should have been 31 years, instead of 22½ years.

These facts point out the dangers which have surrounded the throne; they evince no less distinctly the progress of civilisation, in the increased security of life enjoyed by the heads of the government. Of the 17 first sovereigns, 7 died violent deaths; of the 17 last (including Charles I.), only 3 died violent deaths. Sharon Turner gives lists of

* On the Law of Mortality in each English County, by T. R. Edmonds.—*Lancet*, 1835-36, vol. i. p. 415.

the reigns in the kingdoms of Kent, Wessex, Bernicia (Northumbria), and Mercia, from which it appears that the mean duration of 83 reigns, between A. D. 449—836, was 14 years: from Egbert to Harold II. (800—1065), 20 kings reigned, each upon an average 13 years. This proves incontestably that the life of sovereigns is infinitely safer in popular than in despotic—in civilised than in barbarous states. The same truth is exhibited by the following observations. In Germany (1056—1792), the reigns of 38 emperors lasted at an average 19 years; in Sweden (1066—1818), 41 kings reigned 752 years, 18 years each; in Russia (1073—1825), 50 czars reigned 750 years, or upon an average 15 years, when the English kings reigned 22½ years! The lives of the nobles partook of the insecurity of those of the sovereigns, in the early ages; and they were equally interested in the progress of civilisation, which mitigated violence, and suppressed many other causes of premature death.*

The mortality of English peers has been recently investigated by Mr. Edmonds.† The inquiry extended to 707 peers. The author reduced the number to 675 peers, by excluding 32 whose deaths were violent or accidental: a proceeding by which he probably proposed to render his results more applicable to the peerage of the present day; as it would otherwise have been unjustifiable to exclude deaths which are, in certain states of society, of constant occurrence, and only accidental in the same sense as a fever or a pleurisy. The number of lines of succession was 109; the number of peers observed, 675; the aggregate of ages at accession, 20,390; the aggregate of years of rule, 17,931; the average age at accession, 30·21 years; the average period of rule, 26·56 years.‡ The *expectation*, or mean duration of life after accession, when the peer acceded between the ages 10—19 was 38·29 years; 20—29, 27·03 years; 30—39, 23·87 years; 40—59, 15·99 years. In other terms, the mean future duration of the life of the peers who acceded at the mean age 34½, was 23·87; nearly 24 years.

TABLE showing the Numbers who entered or acceded to the Title, and the Numbers who died in each Decimal Interval of Age; also the Annual Deaths out of 100 living at each Decimal Interval of Age.

PEERS.

Age	0-9.	10-19.	20-29.	30-39.	40-49.	50-59.	60-69.	70-79.	80-89.	90-99.
Entering	62	128	157	147	90	55	27	8	1	—
Dying	5	8	20	67	106	142	142	130	40	6
Mortality per cent. per annum	1·8	7	1·2	1·9	2·7	4·3	6·4	13 8	18·9	37·5
East India Company's Labourers	- -	- -	·8	1·5	2·4	4·3	9·2	10·7		

* Article by W. Farr, the writer of this article, in the *British Annals of Medicine*, July 14. 1837.

† Lancet, Feb. 1838.

‡ 26⅓ years is the average duration of the reigns of the 24 sovereigns who died in the ordinary course of nature, from William I. to George IV. — *Edmonds.* The *first* peers are excluded from the calculation: for the reasons explained in speaking of sovereigns, they are older at the period of accession, and their period of rule is shorter than that of their lineal descendants.

We have subjoined the rate of mortality which prevailed among the East India Company's labourers; and it will be observed, that after the influence of selection has ceased in the latter, at the age of 50 and and upwards, there is a near approximation in the rates of mortality. And it must be recollected that 32 violent deaths have been excluded from the peers. Are we to infer that the mortality among peers is now higher than among labourers, crowded within the metropolis? Should we not rather infer, that as the investigation extends far back into the centuries of bloodshed and pestilence, that the lives of peers were then shorter, and are now longer, than the lives of labourers? The plague, which was born in huts, and nursed by famine, rioted in luxurious halls, and smote the highborn.

Literary Men. — The expectation of life in literary and scientific persons, nearly agrees with the Carlisle tables, if it can be considered to be represented by observations on medical writers. M. Du Bois took out the ages of 850 medical men mentioned in an historical dictionary. We have excluded 72 who died under the age of 40, and extended the inquiry no further, as men have scarcely had a chance of attaining even a place in a biographical dictionary before that age.

EXPECTATION of Life in Medical Writers, deduced from 778 Lives.

Ages.	40	50.	60.	70.
Medical Writers - -	27·14	19·96	13·74	9·04 years.
Carlisle - - -	27·61	21·11	14·34	9·18 do.

Army. — The people of this country have extended their power into all the quarters and climates of the globe; the mortality of the military will show at what expense of life and health. The constitution of a race of men is fitted to the locality and the atmosphere in which they are born; and they must possess a redundant vitality to acquire and retain possessions in a climate different from their own, and destructive of a body not moulded by its influences into a correspondent temperament. By the subjoined table of the mortality of the British army, it will be seen that the soldier, in the prime of his physical powers, is more exposed to death every step he takes from his native climate, till at last the man of 28 years is subject, in the West Indies, to the same mortality as the man of 80 remaining in Britain. By a judicious choice of stations, some very obvious hygienic precautions, and a temperate regimen, little doubt can be entertained that the European mortality may be diminished a half in the tropical colonies. The mortality of the troops is double that of the officers. Is not this mainly due to the crowding of the men in barracks?

This interrogatory, which was put in the former edition, may now be answered in the affirmative. The authors of the valuable Report upon the mortality among the troops in the West Indies have the following observation: — "So far as we can learn, the extent of barrack accommodation to the soldiers serving in the windward and leeward command, did not, prior to 1827, exceed from 22 to 23 inches in breadth to each, and as that would not admit of their having bedsteads, they slept in hammocks; by which expedient as many men could be placed in one apartment as the breadth of their bodies would admit." They then

give some details of the barrack accommodation at Tobago, in 1826, at that time said to be the best in the command; from which it appears that the number of cubic feet allotted to each man varied from 200 to 311 feet! Since 1827 the barrack accommodation for each man has been extended to 350—400 cubic feet! and this in the hot moist climate of the West Indies! Why, these black-holes would treble the mortality in a temperate climate! This is a remarkable proof of the utility of the Reports. We have no doubt that steps have been or that they will very speedily be taken, to have the accommodations improved, and the mortality reduced.

TABLE of the Mortality of the British Army, showing the mean Number of Annual Deaths out of 100 living at each Station mentioned.*

Time and Place of Observation.	English Army.	Extent of Observations.		Annual Rate of Mortality per Cent.		
		Average Force.	Years.	Maximum.	Mean.	Minimum.
*The United Kingdom	British Army	46,460	10	- -	1·5	
*Ireland, 1797-1828	Ditto	36,921	32	2·0	1·5	1·1
Mediterranean.						
*Malta, 1824-31	The garrison	2,226	8	2·8	1·5	1·0
*Gibraltar	Ditto	5,267	17	13·4	2·0	0·7
*Ionian Islands	The troops	3,467	13	5·6	2·6	1·4
East Indies.						
*Fort St. George Presidency	(1) European troops	11,820	4	7·1	4·8	3·2
*Madras, 1827-30	Native Troops	69,550	4	1·6	1·4	1·0
*Bengal, 1826-32	(2) European troops	8,700	7	9·7	5·7	3·8
West Indies.						
*Windward Islands	1796-1805, ditto	13,610	10	27·7	18·3	8·0
*Leeward Islands	1810-28, ditto	5,768	19	23·4	11·3	4·7
*Jamaica, Honduras, 1810-28	Ditto	2,528	19	47·2	15·5	7·8
*Jamaica, Honduras, Windward and Leeward Islands	Colonial troops, (Blacks)	2,733	19	8·4	5·5	1·8

The mortality of the native troops in the Madras presidency was only 1·4 per cent.; that of the European troops was quadrupled in Bengal. At home 1·5, in Bengal 5·7, per cent. of the European troops died. The climate of the East Indies is, therefore, congenial to the Hindoos, and only extraordinarily fatal to foreigners. The same holds of other countries, not poisoned by vegetable or animal effluvia, where their extremes of heat and cold, moisture and dryness, are not excessive.

The mean mortality of the French infantry at home is higher than that stated above for the English army.†

FRENCH INFANTRY.

	Extent of Observations.		Annual Rate of Mortality per Cent.		
	Force.	Years.	Maximum.	Mean.	Minimum.
Troops of the line	106,700	6	- -	2·00	
Garde royale	13,924	6	- -	1·47	
The whole army	120,604	6	2·38	1·94	1·55

The following interesting facts have been derived from the Statistical Report before referred to. It was drawn up by Mr. Marshall and Captain Tulloch.

* The data have been derived from the *Edinburgh Medical Journal.* Mr. Marshall has the merit of having first investigated with success the statistics of the British army. Lieutenant Tulloch has published several valuable papers on the subject in the *United Service Journal.* Both these esteemed writers publish the materials from which their results are deduced.

† Benoiston de Chateauneuf, Annales d'Hygiène, t. x.

TABLE of the Mortality among the Troops in the West Indies, during the Twenty Years 1817-36.

	Whites.			Blacks.		
	Aggregate Strength.	Deaths.	Annual Deaths per cent.	Aggregate Strength.	Deaths.	Annual Deaths per cent.
Tobago	3,402	520	15·3	2,101	71	3·5
Dominica	4,723	649	13·7	2,454	98	4·0
St. Lucia	4,814	591	12·8	6,606	282	4·3
Trinidad	6,197	659	10.6	8,309	330	4·0
British Guiana	17,689	1,485	8·4	3,300	134	4·1
St. Kitt's	5,800	412	7·1	1,426	66	4·6
Grenada	6,267	387	6·2	1,899	54	2·8
Barbadoes	23,936	1,401	5·8	8,921	411	4·6
St. Vincent's	7,432	408	5·5	1,075	39	3·6
Antigua	8,062	327	4·1	3,562	103	2.9
The whole Windward and Leeward Command	86,661	6,803	7·8	40,934	1,645	4·0
The Jamaica Command	51,567	6,254	12.1	5,729	172	3·0

The numbers in the whole command do not quite agree with the sum of the numbers in each separate command. To obtain the mean constant strength, the aggregate strength must be divided by 20. For various reasons, a few of the deaths were not returned by the medical officers; thus the War Office Returns make the deaths in the windward and leeward command 7069, instead of 6803. The strength was also overstated in the medical reports by about 10 per cent. The corrections for these errors make the annual mortality in the windward and leeward command 9·6 per cent.; in Jamaica, 14·1 per cent: about 0·002 died on the passage home from Jamaica; 0·0035 from the other command. Since 1825, it appears that 0·016 were invalided from Jamaica; 0·024 from the other islands.

As in all unhealthy places, the mortality fluctuated to a great extent in different years: thus in Jamaica the annual rates of mortality in the years 1819, 1825, 1827, and 1831, were 29·4, 30·7, 22·4, and 13·3 per cent. In the years 1823, 1829, 1835, and 1836, the rates were respectively 6·5, 6·2, 7·5, 6·1 per cent. In the former years yellow fever was epidemic. The mortality of different stations in the same island exhibits equal discrepancies. The following were the annual rates of mortality at different stations in Jamaica: Montego Bay, ·18; Spanish Town, ·16; Port Antonio, ·15; Up-Park Camp, ·14; Port Royal, ·11; Falmouth, ·10; Stoney Hill, ·09; Lucea, ·08; Fort Augusta, ·07; Maroon Town, ·03. *Montego Bay* is a town about 15 miles west of Falmouth. It lies at the foot of a range of mountains, which surround it upon every side except the north-west, where they open to the sea, and form the bay, at the extremity of which the town is built. The sea breeze is obstructed by the mountains; and the heat is more intense than in any other part of this island. *Maroon town* is situated on a high range called the Trelawney Mountains, in the interior of the island, upwards of 2000 feet above the level of the sea. It is surrounded by still loftier mountains, clothed to the summit with stately trees; the view to the north-east commands a vast expanse of sea and land. About 200 acres are occupied by the troops. The barracks and houses are built upon small detached eminences; and the married soldiers live in small huts, built by themselves, bordering

on the parade ground. If the troops lived in separate dwellings the mortality would be greatly diminished in the other stations. This is proved by the low mortality of the officers in the 19 years 1818–36.

OFFICERS.	Aggregate strength.	Deaths.	Deaths per cent.
Windward and Leeward Islands -	3,740	157*	4·2
Jamaica - - - -	1,966	164	8·3

TABLE showing the Influence of Age upon the Mortality among the Troops in the West Indies.

	WINDWARD AND LEEWARD COMMAND.			JAMAICA COMMAND.		
Age.	Aggregate Strength at each Age in Returns of Seven Years.	Total Deaths at each Age in Seven Years.	Annual Deaths out of a Thousand living.	Aggregate Strength at each Age in Returns of Seven Years.	Total Deaths, at each Age in Seven Years.	Annual Deaths out of a Thousand living.
Under 18 -	244	1	4	88	5	57
18 to 25 - -	12,372	613	50	8,059	562	70
25 to 33 - -	13,633	1,004	74	6,607	705	107
33 to 40 - -	3,555	346	97	1,547	203	131
40 to 50 - -	609	75	123	352	45	128
Total - -	30,413	2,039	67	16,653	1,520	91

The mortality increases with age in the West Indies. The ordinary rate at which the mortality increases in a healthy climate, is 3 per cent. for every year of age from 15 to 55: here it will be perceived that the increase was more rapid; in such a way, however, that from 18—25 to 25—33, the increase was 5 per cent. every year; from 25—33 to 33—40, it was 4 per cent.; from 33—40 to 40—50, it descended to the usual rate, and was 3 per cent. on every advance of 1 year. This applies to the windward and leeward command. In Jamaica the result was similar: the annual mortality increased 8 per cent. at first, and then 4 per cent. every year.

This bears upon acclimatisation which the authors have investigated with considerable care. Nothing is of greater practical importance to the army than this question: Do men become inured to the pernicious influences of a climate, so as at last to brave them with impunity? or are the survivors in a better condition to meet its dangers than new-comers? The authors of the report decide these questions in the negative. The following are the facts which they adduce; the first series is in favour of, the second apparently against, their conclusion.

WINDWARD AND LEEWARD ISLANDS.										
Year of Service.	1.	2.	3.	4.	5.	6.	7.	8.	9.	10.
Strength - - -	11,678	10,328	9,325	8,797	8,160	6,430	5,713	3,252	6,546	5,452
Deaths - -	900	897	826	555	494	1 0	475	236	786	593
Annual Deaths per cent. -	7·7	8·7	8·9	6·3	6·1	7·9	8·3	7·3	12·0	10·9
JAMAICA.										
Strength - -	7,772	7,172	6,248	5,670	4,794	3,275	3,196	2,496	2,367	1,884
Deaths - -	1,776	860	682	827	532	448	399	208	150	179
Annual Deaths per cent. -	22·8	12·0	10·9	14·6	11·1	13·7	12·5	8·3	6·3	9·5

* Exclusive of 10 deaths from accident, suicide, and other causes not connected with climate.

In the windward and leeward islands, it will be observed that the annual mortality increased, instead of diminishing, with the term of service: it was 7·6 per cent. in the first 5 years; 9·5 in the second. The reverse occurred in Jamaica; for the rate was 15 per cent. in the first 5 years; 10 per cent. in the second 5 years. But by uniting the two series of observations, the following results are obtained: —

	Years of Life.	Deaths.	Annual Deaths per cent.
First 5 years of service	79,944	8,349	10·4
Second 5 years of service	40,611	3,984	9·8

The troops sent out to the West Indies from this country are, we believe, healthy men; they are in the technical sense *select* lives; and according to the experience of life annuitants, and of the assurance offices, the mortality should be excessively low in the first year, and even the first 5 years; while it should afterwards rapidly increase. If this progression were inverted; if the mortality did not increase more than 33 per cent. for every year of service, it would be a strong argument in favour of acclimatisation. This fact must be borne in mind in reading the report referred to. At the same time, we can never expect men to accustom themselves to take arsenic, or to live in the crowded barracks and swampy stations of the West Indies with impunity.

Army in War.— The mortality of an army in a campaign is greatly increased not only by the deaths from fighting, but by the sickness induced by hunger, fatigue, and crowding in fortified cities. This is exemplified by the returns in the adjutant-general's office of the loss of life and the sickness of the British forces* in the Peninsular wars. "During the last 41 months, or from the 25th of December, 1810, to the 25th of May, 1814, the total deaths of private soldiers of the army amounted to 33,829; the total deaths of officers in the same time amounted to 940. The average numbers living during this period, derived from 41 monthly musters, were 61,511 privates, and 2,716 officers; consequently, the average annual rates of mortality during this period were 16·1 per cent. for privates, and 10·1 per cent. for officers; that is, the total mortality of privates was more than 50 per cent. greater than that of officers. In battle there is a great difference between the mortalities of officers of different ranks. Field officers and captains suffer much more severely than lieutenants, who, again, suffer more severely than ensigns. The mortality of captains from battle is double that of ensigns." The difference is partly due to the greater age of the seniors, and partly to their greater exposure. And it appears that the proportion of officers actually engaged in battle is greater than the proportion of privates, which accounts to a certain extent for the higher mortality. There were 362 captains and subalterns killed, and 1,986 wounded, in the 41 months; 6,674 privates were killed: or the captains were killed at the rate of 4·9 per cent. per annum, the privates at the rate of 3·2 per cent.; and, as the number of officers who die of wounds after the day of action is generally equal

* A paper by Mr. Edmonds, in the *Lancet*, April 28. 1838.

to one third part of the deaths occurring on the day of action, one third part was added to the former rates, and gave 6·6 per cent. for officers, and 4·2 per cent. for privates killed and fatally wounded. The annual mortality from all causes, *except battle*, was 3·7 per cent. for captains, and 11·9 per cent. for private soldiers! The British army was victorious, and succeeded in driving the French from the Spanish Peninsula, yet 11·9 per cent. of the privates died of diseases—nearly three times as many as died from direct injury. An army, then, has infinitely less to dread from the arms of an enemy than from disease; and the low mortality of the officers proves distinctly that the mortality of the men from disease may be immeasureably reduced.

TABLE showing the Total Deaths of different Ranks which occurred in the Peninsular Army during 41 Months, ending 25th May, 1814; also, showing the average Number Living, and the proportional Mortality of each Rank during one Year.

RANK.	Total Deaths during 41 Months.	Probable Distribution of these Deaths.		Average Number Living during the 41 Months.	Proportion Living of each Rank.	Mortality from all causes per cent. per annum.
		Killed and Dead of Wounds.	Dead of Disease and Privations.			
Field Officers -	87	56	31	157	58	16·2
Captains - -	239	168	71	543	200	12·9
Subalterns - -	517	315	202	1,602	590	9·5
Staff - -	97	27	70	414	152	6·8
Total Officers -	940	566	374	2,716	1,000	10·1
Captains & Subalterns	756	483	273	2,145	790	10·3
Privates - -	33,829	8,899	24,930	61,511	22,648	16·1

COMPARATIVE View of the Living and Dying at the Battles of the Peninsula, and at Waterloo; Officers of different Ranks and Arms being distinguished. The Mortality of Privates at any Battle is represented by the Total Deaths (from all causes) of the Month in which the Battle was fought.

RANK.	Living.		Deaths.		Deaths to 100 Living.		
	Peninsula: Each of Four Battles.	Waterloo.	Peninsula: All Four Battles.	Waterloo.	Peninsula: Each of Four Battles.	Waterloo.	Average Rate in each of the Five Battles.
Field Officers - -	146	139	12	22	2·1	15·8	4·8
Captains -	481	519	50	66	2·6	12·7	4·6
Subalterns - -	1,416	1,523	90	88	1·6	5·8	2·4
Staff Combatants -	107	114	8	10	1·9	8·7	3·2
Total Officers Combatants - -	2,150	2,295	160	186	1·9	8·1	3·2
		Officers of different Arms.					
Infantry - -	1,669	1,571	142	133	2·1	8·5	3·3
Cavalry - -	292	434	15	44	1·3	10·1	3·7
Artillery, &c. -	189	290	3	9	·4	3·1	1·1
Total - -	2,150	2,295	160	186	1·9	8·1	3·2
	Officers compared with Privates.—(Orthes excluded.)						
BATTLES.	Officers.	Privates.	Officers.	Privates.	Officers.	Privates.	
Talavera - -	1,034	38,552	45	994	4·4	2·6	
Salamanca - -	2,318	62,088	48	787	2·1	1·3	
Vittoria - -	2,574	63,827	44	702	1·7	1·1	
Waterloo - -	2,295	47,583	186	1,907	8·1	4·0	
Total Four Battles -	8,221	212,050	323	4,390	3·9	2·1	

The English army of 61,511 men had 13,815, or 22½ per cent., constantly sick during the 3 years and 5 months, and the sickness from

wounds did not amount to more than 1½ per cent. It is probable that, if some of the subjects discussed in this paper, — if the causes of disease, and the means of their removal, had been as well understood as the use of the amputating knife and the Materia Medica, the Duke of Wellington would have had 8,000 more men at his command, and the country would have had to pay and support less than 5,815 inefficient men constantly sick in hospitals. In that case 36,999 years of sickness may have been saved. It is right to add that if the difficulty of commanding an army increases with the numbers, the difficulty of supplying them with food, and preserving the men in health, increases in a still more rapid ratio.

In a foreign war the soldiers are the direct sufferers; in a civil war, famine, distress, and epidemics cause an augmentation in the rate of mortality in both sexes, and at all ages. There is, however, only one series of observations by which this can be directly proved; and that is the following, which we procured from Sweden through the liberality of the consul (C. Tottie, Esq.). Sweden was exposed to a civil and a foreign war in the 5 years 1806—10: the 20 years of 1811—30 were years of peace. The difference in the mortality was well marked.

Annual Mortality per cent., at 20 different Ages, in Sweden.

FEMALES.										
Ages.	0-1.	1-3.	3-5.	5-10.	10-15.	15-20.	20-25.	25-30.	30-35.	35-40.
War -	21·6	5·9	2·2	1·5	·86	·88	·96	1·1	1·3	1·5
Peace -	19·4	4·3	1·7	·81	·49	·55	·71	·78	·96	1·2
Ages.	40-45.	45-50.	50-55.	55-60.	60-65.	65-70.	70-75.	75-80.	80-85.	85-90.
War -	1·8	2·0	2·7	3·5	5·3	7·0	10·5	17·8	24·0	36·
Peace -	1·3	1·5	2·0	2·6	4·1	5·8	9·0	13·2	20·6	29·
MALES.										
Ages.	0-1.	1-3.	3-5.	5-10.	10-15.	15-20.	20-25.	25-30.	30-35.	35-40.
Peace -	22·8	4·7	1·8	·87	·52	·55	·87	·97	1·2	1·4
War -	25·4	6·3	3·0	1·6	·98	·94	1·36	1·4	1·5	1·8
Ages.	40-45.	45-50.	50-55.	55-60.	60-65.	65-70.	70-75.	75-80.	80-85.	85-90.
Peace -	1·7	2·2	2·7	3·5	5·0	6·8	10·2	14·7	23·1	32·
War -	2·0	2·5	3·4	4·3	6·1	7·9	11·6	17·3	25·3	38·

Annual Mortality per cent., at all Ages, in Sweden.

		Males.	Females.	Mean.
Before the war, -	1801-5	2·56	2·33	2·45
Civil war, - -	1806-10	3·11	3·02	3·06
Internal peace, -	1811-30	2·63	2·34	2·48

The civil war caused the annual mortality to rise 25 per cent.; and the effect was felt not only by the able-bodied men engaged in warfare, but by the old man, the young woman, and the child upon the mother's breast. The occupation of a country by foreign forces, particularly if there be much fighting, will produce nearly the same effect.

The Navy.—The dangers of the sea have, perhaps, never been exaggerated; but by that peculiarity which leads mankind to view murder, hydrophobia, and lightning with dread, while they hear with indifference of a narrow street, a bad sewer, or a fever, much unnecessary horror

has been entertained of shipwreck, and little has been thought of the insidious causes of death which have often decimated our fleets, and defeated more than one expedition. Before the reign of Henry VIII. and Elizabeth, when the first large vessels were equipped, scurvy was little noticed. A free ventilation was inevitable in small open ships; long voyages were rarely attempted; and our navies were never stationed upon the destructive coasts of Africa or the West Indies. Scurvy, dysentery, fever — all the inevitable consequences of famine, bad food, filth, and crowded ships—were experienced by the voyagers of the 17th century. In 1780 the Channel Fleet sent 11,732 sick to Hasler Hospital; 1,457 had scurvy, 240 dysentery, 5,539 fever! This is a fair specimen of the health of the British fleet, down to the end of the 18th century. Neither the ships nor the men could keep the sea more than two months. *

The records of the navy show that the mortality at sea may be raised to any extent; and that the heads of the naval department have the mens' lives so absolutely in their hands, that a given number may be put to death at will, without employing any other agency than bad food and bad air. To establish this fact, we shall state two or three experiments upon a large scale, with others, to show that the mortality at sea may be brought down to an inconsiderable fraction. Passing over the earlier voyages, we find that the first fleet of the East India Company consisted of five small ships, of 1,500 tons burden, carrying 528 men. The fleet sailed on the 13th February, 1601, but was detained, and did not pass the tropic of Capricorn before July 24th. Many of the men fell sick; and by August 1st, so many had the scurvy, that in all the ships, except the Admiral (the ship commanded by the admiral, then called the general), they were hardly able to manage the sails. They arrived at the Cape of Good Hope, September 9th. Though General Lancaster's ship contained double the number of men, he had not so many sick, nor did he lose so many men as the rest. He had brought with him to sea several bottles of lemon-juice, of which he gave to each man fasting. But, of the 528 men, 100 died before, and five after, landing, in the voyage of seven months to the Cape. Here the tide of sickness turned: they purchased 1,000 sheep and 42 oxen, large and fat, and had such "royal refreshing," that all the men recovered their health and strength. The fleet put to sea October 24th; but we shall accompany them no further. This is a good type of the great majority of the early voyages. †

Anson sailed from St. Helena with five ships of war, a sloop, two victuallers, and 1,710 men, September 18th, 1740. Two ships of war separated and returned. The Wager was wrecked. Of the ships that remained, the *Centurion* had 506 men, the *Gloucester* 374, the *Tryal* sloop 81. The Centurion lost two men on the passage to Madeira (38 days); after a stoppage of nine days at Madeira, the fleet reached St. Catherine's on the 92d day of the voyage. The ships had become remarkably sickly; many

* Sir James Saumarez, cited by Sir G. Blane. *Dissertations*, vol. i. p. 18.

† Kerr's Collection of Voyages.

died from fevers and dysenteries. The Centurion sent 80 sick — 16 per cent. of the crew — ashore, and the other ships as many in proportion. Upon the 123d day of the voyage, the ships sailed from St. Catherine's, and traversed the Straits of Lemaire; scurvy began to make its appearance about the 171st day; in April, the next month, 43 died on board the Centurion; in May, double that number. Fevers, dysenteries, gangrenous ulcers, were confounded by the early navigators under the name of scurvy; and the historian of the voyage says, that scurvy produced putrid fevers, pleurisies, and jaundice; the men had discoloured spots dispersed over the body; the gums were putrid, the legs swollen, the bones decayed; fungous ulcers infected the legs; the seamens' spirits were shrouded in gloom; their lassitude was extreme; and they swooned and died upon the least exertion. The Centurion and Tryal arrived at Juan Fernandez June 16th, 145 days after leaving St. Catherine's, and landed 167 sick. The Gloucester arrived 37 days later, and sustained still greater losses.

The loss of men in the three vessels, down to September 1st, was as follows: —

	Numbers at St. Helen's.	Died in 10 Months.	Remaining alive September 1st.
Centurion - - -	506	292	214
Tryal - - -	81	42	39
Gloucester - - -	374	292	82
Total - -	961	626	335

At Juan Fernandez the crews recovered; but, in traversing the Pacific, the sickness broke out again, and eight or ten men died daily. About half the 335 men died in the ensuing twelve months; and out of 199, including negroes and Indians, 128 were landed sick at Tinian, August 26th, 1742. The Centurion took the Spanish galleon, and returned to England, after an absence of three years and nine months. The Dutch first succeeded in reducing the mortality at sea. The *Nassau Fleet*, of 11 sail, 5,260 tons burden, and 1,637 men, circumnavigated the globe; 1,228 men remained alive when it reached the Ladrone Islands, February, 1625, and 32 had deserted; 36 died violent deaths. Schouten and Le Maire, two Dutch merchants, reduced the mortality almost to a minimum; Schouten sailed, June 14th, 1615, from the Texel, with two vessels, carrying 87 men, round Cape Horn, and reached Batavia October 31st, 1616, with the loss of only three men. Captain Cook's second voyage was attended with still greater success, as the men were treated with still greater care. The *Resolution* left Deptford April 9th, 1772, with 112 men; was exposed to the extremes of heat and cold in the torrid and frigid zones of the southern hemisphere; and returned at the end of three years, with the loss of only four men — three by accident, one by disease. In a paper read before the Royal Society, Cook described minutely the means which he employed to secure the health of his crew; the care taken in the selection of a vessel, in drying and ventilating, in providing good provisions, antiscorbutics, and an abundant supply of fresh water. The third voyage was equally healthy.

The Royal Society gave him the Copley medal; and the art of preserving the health of the navy became popularly known in the narrative of his voyages. Little use, however, was made of Cook's discoveries by the Admiralty, until Lord Melville was impeached; for in the American war, to keep up a force of 60,000 to 70,000 seamen, 170,910 were raised in the five years 1776—80; 1,243 were killed, 18,545 died from disease.

TABLE showing the Mortality in some Sea Voyages; the Number of Men on Sailing; the Duration of the Voyage; the Years of Life; the Total Deaths; and the Annual Rate of Mortalily per cent.

YEAR OF SAILING.	Numbers on Sailing.	Time in Years.	Years of Life.	Deaths.	Annual Deaths per cent.
1598. De Wert -	105	2·02	141	69	49·1
1601. Lancaster - -	528	·67	319	105	33·0
1627. Nassau Fleet -	1,637*	1·76	2,521	377	14·9
1740. Anson - -	961	·83	537	626	116·0
1615. Schouten - -	87	2·05	182	3	1·7
1772. Cook - -	112	3·05	335	5†	1·2
1778. Cook - -	192	4·63	869	11‡	1·3
1819. Parry - -	94	1·50	140	1	0·7
1821. Parry - -	118	2·04	236	5§	2·1
1824. Parry - -	122	1·50	182	1	0·5

Ships are commissioned for three years; the men are paid off at the end of the term, and none but *healthy* individuals are allowed to re-enter the service. The annual mortality among seamen, therefore should not exceed 1 per 100 in the temperate zone. It is to be regretted that no accurate statistical returns of the mortality of the British navy have ever been published. The comparative view of the health of the navy, calculated by M. Dupin, is erroneous. It makes the annual attacks 9·3 per cent. the deaths 0·7 per cent. The deaths are the deaths in the naval hospitals; they do not include the deaths in the ships. Now, the deaths in the hospitals amounted, in 1813, to 977 (the number on which M. Dupin's calculation was founded), and the deaths on shipboard (which M. Dupin overlooked) amounted, on an average of the three preceding years, to 4,553. Instead of 698 annual deaths out of 100,000, the ratio of deaths was 4,048. The mortality of assistant surgeons is now, we believe, nearly 3·4 per cent. per annum.

A full and accurate report of the mortality, sickness, and diseases of the navy is preparing, under the direction of Sir William Burnett. It cannot fail to be highly instructive. At this time, when the efficiency of the navy engages so much attention, care should be taken that the men enjoy all the advantages of modern science, not merely in regard to the treatment, but also the prevention, of diseases. The men of war, when fully manned, are still badly ventilated; and the effects are strikingly exhibited in hot climates, particularly upon the coast of Africa.

* Thirty-two deserted; 7 were poisoned; 29 killed in battle or by savages.

† Four died by accidents; 1 man was discharged.

‡ Six (Cook and 5 others) of the 11 were killed by the savages; 5 by disease; 1 man was discharged.

§ One killed by a fall.

Prisons.—Considerable misapprehension prevails respecting the mortality prevailing in prisons. The deaths have been divided by the committals, instead of the average population, and the quotient has been compared with the annual mortality out of doors. In this way the result appears so much in favour of the prisoners, at first sight, that a French minister declared the gaols the healthiest places in the world; and in a recent report, one of the English inspectors "confidently affirmed that in very few situations of life is an adult less likely to die than in a well-conducted English prison."* Only 1 in 500 prisoners dies; so, according to this view, if a man desire to live to the age of Methusaleh, he should go to Newgate.

As serious intentions appear to be entertained of substituting the Penitentiary system for transportation; and in the greater number of cases for hanging, we have endeavoured to ascertain the actual effect of imprisonment upon mortality. In the elaborate gaol returns under 4 Geo. IV. c. 64., and 5 Geo. IV. c. 12., the average population of the respective gaols is not given; but a sufficiently near approximation to this may be obtained from the numbers "remaining," at the Michaelmas term of every year, when the returns are made. We took the first 93 gaols (omitting only 5 or 6 which were incomplete) for the 5 years Michaelmas 1826—31; and found that the mean constant population, from 6 enumerations, amounted to 9,409; while the deaths in the 5 years were 769. The mean annual mortality was 16·3 per 1000.

Mean Prison Population.	Annual Deaths.	Annual Deaths per 1000.
9,409	153·8	16·3

In deciding whether this is a high or a low rate of mortality, the *age* of the prisoners must be taken into the calculation; and for the present purpose it may be assumed to be 20—30 years. Of 23,612 committed in 1837, not less than 14,396 were "aged 30 years and above 16."† We subjoin a comparative view of the annual mortality of different populations at the age 20—30.

Annual Deaths to 1000 Living.

Sweden, 1811-30.	Belgium, 1829.	England and Wales, 1813-30.	English Prisons, Mich., 1826-31.
8	9	10	16

Here it will be observed at a glance, that the mortality in the English prisons was 60 per cent. higher than the mortality at the same ages in England and Wales.

The extent to which a class of individuals are affected in epidemics is a good sanatory test of the circumstances in which they are placed. In the year ending Michaelmas 1832, when cholera was epidemic, the deaths in the same prisons amounted to 300.

Year.	Mean Prison Population.	Deaths.	Annual Deaths, per 1000.
1832	10,497	300	29

* Report on Prisons, by Dr. Bisset Hawkins, 1836, p. 2.

† Tables showing the Number of Criminal Offenders in the year 1837. The division of ages adopted in this annual report is sufficiently whimsical; it renders a comparison of the tendency to crime at different ages impossible. The decimal division of age should be adopted: 10 and under 15; 15—20, &c.

The mortality was nearly three times as high as the ordinary mortality in England and Wales; and we know that the general mortality at the same age was raised to nothing near this pitch.

Again, the prisoners rarely labour under any serious disease at the time of their committal. And it will be found by a reference to the facts, that the mean term of their detention is 48 days: for there were 267,771 committals to 35,503 years of imprisonment, or nearly 7 weeks to each committal. The prisoners at the time of their committal must be considered in the same light as those who seek to assure their lives: they have no dangerous disease, and their health has scarcely time to become seriously affected in 48 days before they are removed. Of 12,886 persons entering the Equitable Assurance Society, between the ages 20—40, 43 died in the ensuing year: if they had all been committed to the English prisons, 210 at least would have perished. In the second year of the policy 113 died out of 12,361; in the third year, 99 out of 10,982.

If this doctrine of the mortality in prisons be correct, it may be expected that the health of the prisoners will gradually decline, and the mortality increase as the imprisonment is protracted. This is the case. The health of many of the prisoners before they reach the hulks is in a bad state; and the mortality in the convict hulks is nearly double the mortality in the prisons. 907 deaths occurred in the Convict Hulk Establishment, England, in 9 years (1820—9, exclusive of 1821), when the average convict population was 3,583. The mean term of detention was 1·22 years, or 1 year 2½ months. It gives, therefore, the following results:—

ANNUAL Mortality per 1000.

First Year, Equitable Society.	General Population, England and Wales.	English Prisons.	Hulk Establishments.
3	10	16	28

Such is the effect of inaction, privation, and confinement in a close atmosphere, upon the criminal. It may be said that the prisoners are men of bad shattered constitutions. But does this apply to the great majority? and would not imprisonment have quite as fatal an effect upon persons unaccustomed to privations of any kind?

After every allowance has been made, if 200 deaths occur in the English prisons annually, 60 must be set down as the direct effect of imprisonment; and 50 of the 100 annual deaths in the hulks must be ascribed to the punishment. Only 8 criminals were executed in England and Wales during the year 1837; while in the 5 years ending 1834, the average annual number of executions was 51.

We submit these facts with great deference to those who have studied criminal punishment, and particularly to those humane individuals who would abolish capital punishments and substitute solitary confinement in cells for transportation. Let them bear in mind that *the present system of imprisonment destroys* 10 *times as many lives, and produces* 1000 *times as much actual suffering, as the executioner.* The mortality of prisons has been greatly reduced; and admits of further reduction, although no system of pains and penalties can be conceived, which will not increase sickness and mortality; for it is an eternal law of our nature that sensation has a tendency to

cease, when deprived of objects, or thrown into agony: mercy has made pain the gate of death.

We have no means of knowing the mortality among convicts in the penal colonies; but, judging from all analogies, the immediate effect of assembling them in large buildings and solitary cells would be to raise the mortality very considerably. This is not an insuperable objection to the Penitentiary system; but it must be taken into account as a part of the punishment, which, while it injures the health and destroys more lives than the executioner, produces little impression upon the minds of the spectators.

We shall here add, from a paper by Mr. H. Marshall, the mean number of native prisoners confined in gaols throughout the presidencies of Bengal and Agra during the year 1833; the number of deaths, and the ratio of deaths per 1000, of the mean strength.

Year.	Mean Prison Population.	Died.	Deaths per 1000.
1833	39,658	2,613	66

Eight hundred and eighty-two of the deaths were from enteritis, dysentery, and diarrhœa, 586 from cholera, 511 from fevers. The ratio of mortality among the native troops of the same presidencies was 10·6 per 1000, in 1833.*

Workhouses.—The following tables will exhibit the mortality in workhouses. They are from the Appendix to a Report by the Select Committee on the Poor Law Amendment Act (1838).—Medical Evidence:—

YEAR 1837.	Average Number constantly resident.		Average Number constantly			Admitted Ill.
	Males.	Females.	Sick.	Infirm.	Healthy.	
Ten Metropolitan Workhouses	1,252	1,926	462	1,591	1,125	1,318
One Hundred Workhouses in various Counties, taken indiscriminately - -	4,650	4,485	945	2,864	5,334	2,717

YEAR 1837.	Total Admitted.		Total Discharged, including Deaths.		Total Deaths.	
	Males.	Females.	Males.	Females.	Males.	Females.
Ten Metropolitan Workhouses	2,316	2,942	2,174	2,749	402	504
One Hundred Workhouses in various Counties, taken indiscriminately - -	10,764	9,172	8,935	7,841	970	676

Some of the results deducible from the above facts, are contained in the annexed table.

	Average Number of Paupers in each Workhouse.	Proportions in 100 Paupers.			Annual Deaths to 100 constantly resident.		
		Sick.	Infirm.	Healthy.	Males.	Females.	Mean.
Ten Metropolitan Workhouses	317·80	14·5	50·1	35·4	32·1	26 2	29·1
One Hundred Workhouses in various Counties, taken indiscriminately - -	91·35	10·3	31·3	58·3	20 0	15·1	18·0

* *British Annals of Medicine*, 1837, p. 490. The materials were derived from a *Report on the Medical Management of the native Gaols throughout these Governments.* Mr. M. justly adds, that great praise is due to Mr. Hutchinson for collecting and publishing the statistical materials which are appended to his report.

It will be observed that the mortality was highest in the metropolitan workhouses, and among males. This immense mortality is not confined to workhouses under the New Poor Law Regulations: it is *cæteris paribus*, equally high in all workhouses. The ages of the inmates may be conjectured from the following enumeration made at the same time as the returns: —

	0-10.	10-20.	20-40.	40-60.	60-70.	70, &c.	TOTAL.
Sick - -	43	34	61	76	52	53	
Infirm - -	7	12	59	220	362	369	
Healthy - -	300	215	148	174	61	13	
	350	261	268	470	475	425	2,259

Twenty-five in 100 were sick when admitted into the metropolitan workhouses; 14 in 100 when admitted in the workhouses in other unions. This will account for part of the excessive mortality; infirmity for another part; age for a third part; leaving a large residual mortality to be accounted for in the same manner as the mortality of prisons. The mortality of paupers' out of doors has not been ascertained; the mortality is probably raised 50 per cent. by confinement in the workhouses. In a depression of trade, or in a densely inhabited district, it must be considered a hazardous experiment to bring crowds of the sickly and depressed classes within the walls of one building. Nothing is more likely to generate an epidemic.

SICK-TIME.

A bill, embodying a plan for enabling the labouring poor to provide support for themselves in sickness and old age, by small weekly savings from their wages, was introduced by Mr. Dowdeswell, and approved by the House of Commons, in 1773; but it met with the same fate as another bill framed by the Commons in 1789, and founded on tables computed, at the request of a committee, by Dr. Price. The Lords rejected both bills; and thus deprived the labouring poor of the guidance of a legislative act in the formation of friendly societies for half a century. The tables of sickness, computed for the first bill, were published by Baron Maseres in the second volume of his *Treatise on the Doctrine of Life Annuities*: Dr. Price's tables, which have since been in general use, were published, in the edition of his work on Annuities, by Mr. Morgan. These tables were founded partly on observation and partly on an ingenious hypothesis: no extensive observations were ever made to determine the average time of incapacitation from labour produced by sickness, till the subject was taken up and investigated by the Highland Society (1824). Since then two committees of the House of Commons have sat on benefit societies, and the subject has obtained more attention.

Sickness, in practical statistics, is employed in a general sense. If we consider man as a material body, acting intelligently, any thing in the condition of the body itself, which interrupts or impedes that action, is sickness. Any disturbance in the functions of the body, or alteration in the organs by which they are executed — from the skin to the brain and spinal marrow — from the time the food enters the mouth, till it exhales from the skin and lungs in vapour and gas — is a disease: and the sum of sick-time, produced by all diseases, con-

stitutes the sickness of which statisticians speak. It is of various kinds. In acute or severe diseases, such as fever, inflammation of an important part, or malignant ulcer, a man is often able to think and move, just as he can digest a small quantity of food; but not with any energy, or at least with the energy required by an ordinary occupation. Any attempt at exertion aggravates and prolongs the sickness. This, we believe, is called *bedfast* sickness by the friendly societies. In other chronic diseases, slow inflammations of internal organs, reduced dislocations, rheumatisms, ulcerations, the patient can attend partially to his business: he is in possession of half his faculties; whether he can make them in any way available, depends on circumstances. This is walking sickness. The infirm, the crippled, the maimed, may either be entirely helpless and bedridden, or capable of some of the duties of life: their sickness differs from the bedfast, and from the walking, in being beyond the pale of recovery. The Highland Society calculated that of ten weeks' sickness, among persons of all ages under 70, two may be assumed as bedfast sickness, five as walking, and three as permanent.*

The following table of sickness, from the *British Medical Almanac*, presents a comparative view of the mean proportion of sickness incidental to members of English and Scotch benefit societies; according to (1.) the observations of the Highland Society; (2.) returns obtained by the Society for promoting Useful Knowledge; (3.) and a table of Mr. Edmonds's, agreeing very nearly with Dr. Price's, in universal use: —

VIII. TABLE, showing the Proportion of Sick out of 100 living at each Interval of Age in Friendly Societies.

Between Ages.	Sick Time in 100 of Life Time.			Between Ages.	Sick Time in 100 of Life Time.		
	Scotch Benefit Societies.	English Benefit Societies.	Theoretical Table by Mr. Edmonds.		Scotch Benefit Societies.	English Benefit Societies.	Theoretical Table by Mr. Edmonds.
20 to 30	1·14	1·54	1·72	70 to 80	31·70	32·50	—
30 — 40	1·32	1·83	2·30	80 — 90		40·00	—
40 — 50	1·97	2·56	3·10	90 — 93		67·00	—
50 — 60	3·60	4·32	4·51				
60 — 70	10·80	11·26	9·36	All Ages	2·45	2·76	—

These observations show, that, in the different circumstances, 1·32, 1·83, and 2·30 men in 100, between the ages of 30 and 40, were constantly ill: the sick-time increasing regularly with age. It is easy to deduce from this table the days of sickness of each individual.

The Scotch and English observations represent, so far as limited numbers can, the sickness to which men, who are healthy at the time of entering benefit societies, are subsequently liable: the general proportion of sickness is higher. Tables of sickness for the entire population would be formed by taking 100,000 persons, of given ages, indiscriminately, and observing them for one, two, three, &c., years: they would, consequently, comprehend 4,000 or 5,000 individuals sick when the observation commenced, expressly excluded, by the rules of benefit societies, as well as those suffering from syphilitic diseases, and accidents incurred through drunkenness or brawls. In the parish of Methven, Perthshire, it was ascertained

* *Report of Friendly Societies*, by a Committee of the Highland Society, p. 108.

that 35 out of 743, or 4·7 per cent. of the male population above 15, would, from bodily or mental infirmity, not have been admitted as members of the friendly societies.* Medical men are well aware that labourers often go about their work with diseases of the heart, tubercles in the lungs, and disorders of considerable severity. Dr. Forbes ascertained, by the personal examination of 120 Cornish miners, in actual employment, that only 63 had good health; of the remaining half, 26 had difficulty of breathing, 14 pain of chest, 10 pain of stomach and bowels, 5 lumbago, pain of shoulder, palpitation, scrofula, or fits.† Out of 115 children below 18 years of age, Dr. Bisset Hawkins states, that 84 had good health; 25 middling health; 6 bad health.‡ Of the miners at work only 53, of the factory children only 73 per cent. enjoyed good health.

How much sickness exists among the actual labourers of this country, independently of those definitively incapacitated by disease, and who are either discharged on this account or set aside as inefficient? For resolving this question, there are valuable materials in the *Supplementary Report* of the Factory Commissioners, of which we shall avail ourselves; regretting, at the same time, that, from several omissions, and the returns not being procured in proper forms, the information they afford is not so complete as it might easily have been rendered.

The first returns deserving notice relate to the workmen employed in his Majesty's dock-yards, at Woolwich, Sheerness, Chatham, Portsmouth, Devonport, and Pembroke.

IX. An Account of the Number of Workmen employed in Portsmouth Dock-Yard, and of the Cases of Absence from Work, on account of Sickness, during the last 3 Years. Prepared agreeably to Mem. of 9th of May, 1833.

	1830.					1831.					1832.				
	Average Number borne	Number of Cases		Days Sick.	Days Hurt.	Average Number borne	Number of Cases		Days Sick.	Days Hurt.	Average Number borne	Number of Cases		Days Sick.	Days Hurt.
		Sick.	Hurt.				Sick.	Hurt.				Sick.	Hurt.		
Description of Workmen															
Blockmakers	5	3	2	10	13	5	5	1	51	18	4	2	-	61	-
Boys, house and oakum	20	8	5	258	37	26	7	3	40	51	20	5	1	48	23
Braziers and tinmen	3	-	1	-	16	3	-	-	-	-	3	1	-	6	
Bricklayers and labourers	29	5	4	158	43	26	5	5	255	46	24	3	6	178	38
Caulkers	90	30	16	384	236	88	52	12	512	106	84	27	23	351	300
Cooper	1	-	-	-	-	1	-	-	-	-	1				
House Carpenters	16	3	-	41	-	16	7	2	101	25	16	6	-	195	
Joiners	81	23	6	355	83	80	20	16	157	190	74	20	12	247	164
Labourers, storehouse	19	2	1	28	95	17	4	-	22	-	17	6	-	18	
Yard and house-carpenters employed as labourers	209	50	11	990	279	198	57	21	720	483	182	44	10	852	225
Locksmiths	2	-	-	-	-	2	1	-	11	-	2				
Masons	11	2	2	13	22	11	2	-	3	-	10	1	1	6	44
Messengers	7	3	-	20	-	7	-	-	-	-	7				
Painters and glaziers	29	11	7	198	73	26	14	5	356	94	22	7		156	11
Plumbers	6	6	-	42	-	6	5	-	39	-	6	2	-	9	
Pitch heater	1	-	-	-	-	1	1	-	1	-	1				
Riggers and labourers	74	11	11	74	157	71	22	11	162	177	69	16	11	223	162
Sail makers	46	15	1	189	16	45	22	2	284	10	41	20	3	530	32
Sawyers	99	27	31	253	553	96	31	18	357	228	95	23	9	214	124
Scavelmen	64	16	7	292	96	63	14	7	235	115	54	13	4	133	65
Shipwrights	827	318	196	3,702	3,079	809	410	179	4,729	2,463	746	315	198	3,170	3,007
Smiths	185	70	25	906	275	151	117	27	656	296	150	66	26	682	351
Rope makers	111	35	-	589	-	107	44	7	381	80	100	36	4	707	85
Warders	35	17	9	335	111	28	9	1	35	29	26	11	2	257	11
Wheelwrights	3	-	1	-	13	3	-	-	-	-	3				
Workmen at wood-mills	25	9	1	114	39	24	6	-	268	-	21	2	2	168	36
at metal	52	24	15	162	195	51	26	10	214	99	46	27	7	319	94
millwright's shop	52	9	7	210	486	50	7	3	26	130	45	12	10	107	242

* *Report of Friendly Societies*, by a Committee of the Highland Society, p. 280.

† *Medical Topography of Penwith, Cornwall*, by J. Forbes, M D.; Trans. of the Medical Association, vol. iv. p. 187.

‡ Supplement to Factories Inquiry.

The foregoing table from Portsmouth, made by Mr. Pennell, is the most complete, as it distinguishes the cases, and the duration of diseases, from the consequences of injuries incurred in the yards. It has likewise the advantage of exhibiting the liability to accidents and sickness among different classes of workmen.

X. Table presenting a condensed View of the above Facts.

Years.	Average Number of Men.	Number of Cases.		Days of Sickness from spontaneous Disease.	Days of Sickness from Injuries.	Total Days of Sickness.
		Diseases.	Hurts.			
1830	2,079	697	357	9,188	5,884	15,072
1831	2,002	888	325	9,605	4,620	14,225
1832	1,867	665	329	8,617	5,086	13,703
3 years	5,948	2,250	1,011	27,410	15,590	43,000

This table furnishes, as the mean of the three years, the following interesting results. In the year, 1 man in 6 is seriously hurt; 2 in 5 fall ill. Each man, on an average, has an attack of illness, either spontaneous or caused by external injury, every 2 years: and, at an average, each disease lasts 14 days. In a tabular form the results will be more distinctly perceptible.

XI. Annual Proportion of Attacks and Accidents occurring to 100 Men in the Portsmouth Dock Yard: and the mean Duration of each Case.

	Number per Cent.	Duration of each Case, in Days.	
Spontaneous attacks - - - -	37·8	12·2	
Injuries - - - - - -	16·0	15·6	
Both - -	53·8	13·2 mean duration of all cases.	

So far as the returns from the other dock-yards can be understood and admit of comparison, they confirm these results; and between Woolwich and Portsmouth, where hurts and sickness are distinguished, there is a remarkable coincidence in the time lost by sickness, although that from injuries is very different.

XII. Table showing the Time lost by Sickness, whether induced by Accident or otherwise, among the Labourers in Portsmouth and Woolwich Dock-Yards.

	Mean Number of Workmen.	Days lost by Sickness.	Days lost by Accidents.	Constantly sick, per Cent.	Constantly suffering from Accidents, per Cent.	Constantly ill from both Causes, per Cent.
Portsmouth	5,939	27,410	15,590	1·26	0·73	1·99
Woolwich	2,243	10,593	8,594	1·29	1·05	2·34

It may be safely assumed, that of the 21,000 labourers employed in the dock-yards, 2 per cent., or more than 420, are constantly kept at home by diseases of one kind or another; and that diseases arising in the body itself, independent of external mechanical injury, constitute almost two thirds of the entire sickness. No details or explanations accompany the original returns; they do not appear to have been demanded; but it may be presumed that the sickness only of the men who recovered, and returned to the dock-yards, is intended in the tables, and this, with the selection on entering, excludes the greater proportion of sickness prevailing in a population, although it expresses that experienced by the actually working class. The sickness of the working labourers in the East India Company's service was, we shall

show, 1·65 per cent.; and this is little more than a fourth part of the entire sick-time experienced by the whole number employed, including those pensioned. This proportion would make the sick-time of the dock-yard labourers 7·8 per cent. of the lifetime.

A return of the state of health among the men employed by the East India Company in London deserves especial attention, as no observations so accurate or extensive have before been published, relative to the sickness and mortality among labourers in large cities. This return was obtained "in the form of a large volume, containing a list of 2,461 labourers, employed in the month of April, 1823, with a statement of the number of days' illness experienced by these labourers, one by one, year by year, for the 10 succeeding years; also the date of every death, and the date when any labourer ceased to be employed, by being superannuated and pensioned, dismissed, or by voluntarily leaving the service of the Company."*

Every labourer put upon the sick list is allowed 1*s.* 6*d.* a day, Sundays included; he is also seen every day by the surgeon, and therefore remains no longer absent than the case requires.

During the 10 years, 496 died, 248 were pensioned, and 208 left the service, or were dismissed. The reporter, Dr. Mitchell, has calculated a table of the duration of sickness per annum for every age, from 16 to 81, which we subjoin.—

Age.	Average Duration of Sickness per Annum for every Man employed.	Average Duration of Sickness for every Man sick.	Age.	Average Duration of Sickness per Annum for every Man employed.	Average Duration of Sickness for every Man sick.
	Days.	*Days.*		*Days.*	*Days.*
Under 21	4·02	13·96	51 to 61	7·00	28·60
21 to 31	4·94	18·70	61 — 71	10·08	29·07
31 — 41	5·06	22·63	71 — 81	11·63	31·77
41 — 51	5·31	23·21			

Dr. Mitchell has unfortunately withheld the *data* from which these results were derived. He has not stated the total days' sickness, and attacks at each age, nor arranged the observations so as to exhibit the complete years of life. But the report contains tables showing the number of the men at every year of age, from 16 to 78, in the beginning of April, 1823; the ages at which the 248 pensioners were put upon the list; and the ages at which the 496 men died whilst classed as workmen, as well as the ages at which 161 of the pensioners died. It appears that the deaths of the pensioners were obtained in a separate return, extending from April, 1823, to January, 1834, nine months over the ten years in which the other deaths happened. From these facts we first deduced the number living at each decennial period of life, on the supposition that the 2,461 individuals alive in 1823 had remained in the service ten years; and thence subtracted the years of life lost by deaths and dismissals. Dr. Mitchell having omitted to state when or at what age the 208 men left the service, it has been assumed that the younger men left in rather greater proportion than the aged, but that all remained in the service five full years; which is the same as supposing the dismissals were equally distributed over the ten years. A similar correction was made for the deaths: 1-14th was deducted from the deaths of pensioners for the nine additional months in which they were observed.

* Factories Inquiry; Supplementary Report, by Dr. Mitchell, vol. i. p. 48.

XIII. Table showing the Number of Labourers in the East India Company's Service, April, 1823; and, from Ten Years' Observations, the Number living complete Years between 16 and 90 years of age; the Deaths among the Workmen and Pensioners; the resulting Mortality compared with the Mortality among Males in London and Stockholm.

Ages.	Labourers.			Deaths.		Annual Deaths per Cent. among the				Annual Mortality, per Cent.	
						Workmen.		Pensioners.	Entire Class of Labourers.		
	On the Books April, 1823.	Living in One Year.	Living during One complete Year	of Workmen.	of Pensioners.	Entire Number.	Attacked.			London, 1813—30. Males.	Stockholm, 1755—63. Males.
16—20	31	48	38								
20—30	437	2,301	2,066	16	1	·78	2·9	6·4	0·82	1·22	2·63
30—40	779	6,677	5,939	56	2	1·46	6·5		1·48	1·69	3·54
40—50	599	6,749	5,754	136	8	2·38	10·4	17·7	2·43	2·54	4·67
50—60	451	5,365	4,855	147	40	3·52	14·2		4·27	4·04	6·46
60—70	137	2,759	1,819	95	75	5·88	15·7	16·5	9·24	8·12	10·10
70—80	27	675	426·5	16	30	5·66	11·7		10·71	15·97	15·87
80—90	- -	56	35·5	-	5	-	-	23·2	13·90	30·91	31·94
										33·84	37·50
	2,461	24,610	20,343	496	161	2·50	10·6	16·5	3·13		

These observations are equivalent to observations on 20,343 men during one complete year, and between the ages of 30 and 70 are sufficiently extensive to furnish a near approximation to the mortality in four decennial periods: earlier or later they are of little separate value. The annual rate of mortality was 3·13 per cent.; and, notwithstanding the selection, it agrees, between 40 and 60, very nearly with the general mortality of males in London (1813-30).

The mortality under 40 is not so high among the labourers, because the greater part of them are selected healthy men, received into the service between the age of 20 and 35; after 50 it is higher than the general mortality in London. These men were well supplied with food and clothing; their work, without being hard, insured regular muscular exercise; in sickness they had rest and proper medical attendance; yet, between 40 and 50, the mortality was 67 per cent.; between 50 and 60, as much as 82 per cent. higher than the mortality at the same ages in all England. Such facts as these annihilate the supposition that the increased mortality in cities is due to want of food, and greater misery; nor, although these men drank freely, can we admit that their moral habits differed so greatly from those of country labourers as to account for their greater mortality.

Of the 2,461 labourers, 10 per cent. were pensioned in the course of ten years; 8 per cent. were discharged, or quitted the service; 1 man in 81 working a year was pensioned; 1 in 4 had an attack of sickness; 1 in 60 was constantly on the sick list; 1 in 21 (4·79 per cent.) of the labourers was a pensioner; and 1 in 6 of the pensioners died annually. The mean duration of life, after being pensioned, would therefore be six years; five years and a half less than the mean duration of life among the general class of men in cities at the same ages.* This, and the evidence of the medical attendant Mr. Lewis Leese, prove clearly that the greater part of the pension-time must come under any comprehensive definition of sickness: the pensioners were declared by a special report of the surgeon, permanently disqualified for labour; and that not by age alone, for the majority were pensioned between the

* The expectation of life at the mean age when the 248 men were pensioned was 11·4 years, according to the city table of Mr. Edmonds.

ages of 50 and 70, but by the mechanical injury of a limb, some infirmity, or a slow but fatal disease. Half the pension-time may therefore be safely viewed as sick time.

XIV. Showing the Number of the East India Company's Labourers at several Periods of Age working a complete Year; the Number attacked by Sickness; the Days of Sickness experienced; the Pensioned; the Pensioners on the List One complete Year. Also the Proportion that annually fall sick, or are pensioned, out of 100 working; the Proportion sick of the Class still on the working List; the average Number of Labourers on the Pension List; the Proportion of the Living disabled, and either on the Sick or Pension List.

	Labourers employed a complete Year.	Attacks of Sickness.	Days of Sickness.*	Pensioned.	On the Pension List One complete Year.	Out of 100 Men working One Year.		Sick, in 100 Workmen.*	Of 100 living.	
						Cases of Sickness.	Pensioned.		On the Pension List.	Sick, and on the Pension List.
16—20	38	10·9	152	- -	- -	28·5	- -	1·10	- -	1·10
20—30	2065	546·5	10,203	4	5·5	26·4	·20	1·36	·27	1·62
30—40	5907·5	1320·5	29,891	13	41	22·4	·22	1·38	·69	2·05
40—50	5703·5	1305·5	30,286	13	72	22·9	·23	1·46	1·23	2·69
50—60	4169·	1020·4	29,183	76	199	24·5	1·82	1·91	4·70	6·58
60—70	1615·5	560	16,284	105	435·5	34·7	6·50	2·76	23·85	26·50
70—80	316·5	116	3,681	35	201·	36·6	11·06	3·20	46·49	48·75
80—90	23·	1 ?	35 ?	2	21·5	- -	8·70	?	59·65	- -
	19,838	4880·8	119,715	248	973·5	24·6	1·23	1·65	4·79	6·44
						1—4	1—81	1—60	1—21	1—15·5

The proportion attacked by sickness out of 100 men, at each age, working one year, differed inconsiderably between 20 and 60: the number pensioned between 20 and 50 was also the same (·0022); from 6 to 11 per cent. of the workmen were placed on the pension-list between the ages of 60 and 90; of the actually working class the sick-time increased with age from 1·1 to 3·2 per cent.; the pensioners, at the ages 60–70, formed 24, at 70–80 more than 46 per cent. of the living. The total sick-time (including pension-time) increased up to 50, in geometrical progression, at the rate of nearly $\frac{1}{3}$ every ten years; and if half the pension-time after 60 be counted as sickness, it rather more than doubled in the subsequent decennial periods. The rate of sickness, including all the pension-time under 50 years of age, is much higher than that found by the Highland Society: it lies between the rate assumed by Dr. Price and the observations on the English benefit societies. (See tab. VIII.) There were two years of incapacitation for labour to each death. The deaths were to the sick and pension-time as 3·13 to 6·44.

Friendly societies, and companies, who, like the East India Company, may deem it prudent to make their men subscribe to a sick and pension fund, will find these tables very valuable. They also throw great light upon the state of health prevailing in the metropolis: the mortality and other considerations show that these men, labouring in warehouses in the heart of the city, yet well provided for, occupy, as regards health, a

* Obtained by multiplying the mean number working by the days of sickness experienced by one person: this sickness is a fraction higher than that given by Dr. Mitchell, as the days opposite 21—31, &c., in his table were applied to the numbers 20—30, &c., in this. He has improperly compared the 9th instead of the last column with the sickness of the Highland Societies, which comprehended every kind of incapacitation for labour.

middle point between the worst classes and the inhabitants of the cleaner and less crowded districts.*

The comparative health of children in factories could be satisfactorily determined only by an enumeration of the living and sick in the manufacturing and other towns. The following tables, by Dr. Mitchell, are, however, not uninteresting. In reading them, it must be borne in mind that the fourth column does not represent, as stated, the "average duration of sickness per annum for every person employed;" for the operatives were generally examined at the end of the year, and from their statement of the sickness they had experienced in the preceding year, reported by their employers, this sick-time was deduced: a method which would exclude the sickness of all who had died, or been prevented by chronic diseases from resuming their labour. The "number employed" applies solely to the wages; only a certain proportion of them, not mentioned by Dr. Mitchell, furnished the average rate of sickness. Tables of sickness are given for 8 places; but the extent of observation in the other places was so small as to render the results quite irregular, and of no separate value. Through the omission of the number of observations, and of the other data, it is impossible to combine the facts together, so as to obtain a general result. †

XV. LANCASHIRE.

	Males.				Females.			
Age.	Number employed.	Average weekly Wages.	Average Duration of Sickness per Annum for every Person employed.	Average Duration of Sickness per Annum for every Person Sick.	Number employed.	Average weekly Wages.	Average Duration of Sickness per Annum for every Person employed.	Average Duration of Sickness per Annum for every Person Sick.
			Days and Decimal Parts.	Days and Decimal Parts.			Days and Decimal Parts.	Days and Decimal Parts.
		s. d.				s. d.		
Below 11	246	2 3½	2·46	13·04	155	2 4¾	8·03	
11—16	1,169	4 1½	3·81	14·58	1,123	4 3	4·25	11·98
16—21	736	10 2½	4·42	16·43	1,240	7 3½	5·56	12·63
21—26	612	17 2½	4·91	18·27	780	8 5	6·85	16·42
26—31	355	20 4½	6·88	22·14	295	8 7¾	8·62	18·51
31—36	215	22 8½	3·85	12·19	100	8 9½	9·29	21·77
36—41	168	21 7½	4·13	13·75	81	9 8½	6·16	19·19
41—46	98	20 3½	5·09	14·25	38	9 3½	14·67	14·41
46—51	88	16 7½	7·18	30·31	23	8 10	20·34	26·43
51—56	41	16 4	3·47	13·10	4	8 4½	15·75	21·00
56—61	28	13 6½	12·68	11·5	3	6 4	15·75	21·00
61—66	8	13 7	- -	- -	1	6 0		
66—71	4	10 10	- -	- -	1	6 0		
71—76	1	18 0						
76—81	1	8 8						
Totals	3,770				3,844			

* In addition to the statements in the report, we have ascertained from Mr. Lewis Leese, the intelligent surgeon who, with his father and another surgeon, attended the East India Company's labourers, that they were selected chiefly between the ages of 25 and 35, when they became ineligible, or only obtained admission by special favour. To keep up a body of 1,984 men, and compensate for the dying, the pensioned, and the discharged, 94 recruits were required every year; and from a book kept by Mr. Leese, who saw about three-fifths of the whole, it appears that he examined, during fifteen years, 1808—1822, 69 annually, about 7·5 per cent. of whom were rejected, chiefly for hernia and varicose veins. For various reasons the Company only took sound healthy men into their service. The diseases in the report were all of a severe nature: when influenza and cholera pre-

† Dr. Mitchell is by no means singular in not publishing official observations in their simple form: we need not urge the importance of furnishing the data, whatever they are, of calculations in statistical documents. The *data* are the essential part of a statistical report: the *results*, without these, are of no weight.

GLASGOW.

Age.	Males. Number employed	Average weekly Wages.	Average Duration of Sickness per Annum for every Person employed.	Average Duration of Sickness per Annum for every Person Sick.	Females. Number employed.	Average weekly Wages.	Average Duration of Sickness per Annum for every Person employed.	Average Duration of Sickness per Annum for every Person Sick.
		s. d.				s. d.		
Below 11	283	1 11½	1·01	3·61	256	1 10½	2·63	14·00
11—16	1,519	4 7	4·80	12·35	2,162	3 8¾	6·18	13·81
16—21	881	9 7	5·52	17·14	2,452	6 2	6·38	15·54
21—26	541	18 6	9·11	20·12	1,252	7 2½	8·16	18·96
26—31	356	19 11½	7·05	16·05	674	7 1	7·38	19·91
31—36	331	20 9	7·65	16·93	255	7 4½	6·05	13·65
36—41	279	19 8½	8·50	22·58	216	6 7¾	4·16	16·00
41—46	159	19 6	5·12	16·41	92	6 6	11·94	20·36
46—51	117	19 2	4·84	20·57	41	6 10	11·72	40·60
51—56	69	17 9¾	4·90	16·41	18	6 1½	16·50	25·85
56—61	45	16 1¼	3·27	8·84	16	6 0	15·0	30·2
61—66	17	17 7	- -	- -	7	5 5		
66—71	15	15 9½	- -	- -	2	4 0		
71—77	11	10 11						
77—81	5	9 6						
81—86								
86—91	1	8 0						
Totals	4,631				7,445			

The mortality of the English army is higher than the mortality of the general population; and the sickness, including every class of disease, is more than twice as great as that recorded in the preceding tables, at the ages 20-35, which correspond nearly with the ages of the troops. The mean proportion sick per cent. in Ireland (1797—1828), observed on an average force of 36,921 men, amounted to 5·1 *; but a certain proportion of the sickness in the army is from syphilis, and this is not included in the other observations.

FROM 25 monthly Musters, Mr. Finlaison deduced the following Rates of Sickness in the Two Years 1823–4.†

	The total Rank and File present or accounted for in 24 monthly Musters.	Sick at the Time the Musters took place.	Sick per Cent.
Cavalry	94,293	3,791	4·02
Foot-guards	92,883	3,961	4·26
Infantry	126,513	6,297	4·98
Totals and mean	313,695	14,049	4·48

The sick-time in Madras, 1808-9, was 12·4 per cent. of the life-time. Annesley considered 10 per cent. in that climate healthy; and this appears to be near the mean proportion of European troops constantly sick in the East Indies. In places where the mortality is high, the rate of sickness fluctuates very much from year to year; and, exclusive of losses in battle, the mortality and sickness are tripled or quadrupled in a campaign. This kind of knowledge is still imperfect, although indispensable to those who would employ masses of men with effect in different circumstances.

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vailed, 40 or 50 attended daily at the surgery for coughs and bowel complaints; but, as in other slight cases, they continued at work, were *favoured* by the *commodore*, and were not entered on the sick list. Venereal complaints were also excluded, as well as accidents from drinking, &c., when their cause was discovered. The old men gave up more readily than men between the ages of 30 and 50. Consumption and pulmonary complaints were very prevalent, so was fever, formerly. Consumptive patients remained on the sick-list. Some of the men were Irish; the majority came from the country: the *alongshore* men were very liable to phthisis.

* H. Marshall. *Edinburgh Medical and Surgical Journal.*

† Evidence before Select Committee on Friendly Societies, 1825.

The proportion constantly sick in the West Indies, 1817-36, are given in the subjoined table.*

	Years of Sickness.	Constantly sick.
Windward and Leeward Islands —		
White troops	7,543	·087
Black troops	801	·012
Jamaica —		
White troops	2,910	·063

The army pensioners. The out-pensioners of Chelsea Hospital — besides officers on half-pay — amounted, in 1835-6, to 80,749. They received 1,377,662*l.* in the year. For the last 10 years they have been equal in numbers to the efficient force of the army; and it is stated that their lives are as long as the lives of men who have never entered the service! A return should be called for of the ages of the pensioners, the ages at which they were pensioned, and the deaths at each age. The greatest ignorance and mismanagement have hitherto prevailed in every department of the pension-list.

MORBILITY; ATTACKS OF SICKNESS.

The sickness to which mankind is liable does not occur at any one time or age, but in an interspersed manner over the lifetime of each person. The constant quantity of sickness is kept up by a succession of diseases attacking the body at intervals and in paroxysms, which, however irregular they appear, in a limited sphere of observation, are really definite in number, and separated by stated spaces. As a certain order is preserved in the performances of the healthy functions, so their derangements, in similar circumstances, also observe an order and regularity of succession.

To accuse the human frame of perpetual malady is as ridiculous as to attribute, with some theological writers, unintermitting wickedness to the human heart; but if every alteration of the multiplied parts of the human body, every transient trouble of its infinite movements, every indigestion in man, and every fit of hysteria in woman, were reckoned, few days of human life would remain entirely clear; and, if the same scrutiny were extended to the state of the brain, the world may very civilly be sent to Anticyra — *naviget Anticyram.* In determining the quantity of sickness, and the attacks of disease, the slighter affections are therefore passed over; as, whatever difference there may be in the representation and expression, it is probable they bear a tolerably constant relation, in the same class of society, to the severer cases recognised, and directly diminishing production by arresting labour.

Some cases of sickness then are so slight as to obtain no attention; for others, men consent to take physic; a third class incapacitates them for labour. In friendly societies medicine is taken in many cases which never fall upon "the box," as the patients continue their employment. In the Liverpool Friendly Society this is clearly exemplified, where there were (1829-37) members equivalent to 23,364 living one year; and to 20,251 entitled to relief one year.

* The strength of the troops has been already given, under the head Mortality. As the strength is under-stated, the proportion of sick-time and the attacks of sickness should be increased about 10 per cent.

The mortality of cases that fell upon the box was 3·7 per cent.; of the cases attended by the surgeons 2·4 per cent.; for only 40 applications for sick-pay were made annually by 32 out of 100 members, while 75 cases to every 100 members were attended by the surgeons; 28 at home, 47 at the surgeries. In the eight years, 3,254 members entered the society; 906 were expelled or withdrew; 408 died; 76·6 were constantly receiving sick pay; 118 were on an average upon the surgeons' sick-list; 6,555 persons applied 9,493 times for relief from the funds; and the surgeons recorded 17,000 cases. Certain individuals scarcely sustained an attack; others had two, three, or four attacks in the year. Some chronic cases were counted as distinct attacks every time they applied; and nearly all the returns of cases are somewhat exaggerated in this way. The annual rate of mortality was 1·75 per cent.; the proportion constantly on the box was 3·03 per cent. As the society is of recent origin, only 0·08 per cent. were on the Superannuation Fund; 4·04 were constantly under the surgeons' care. Each time of application the applicant remained upon an average 24 days on the box; and as several applicants fell upon the Sick Fund more than once in the year, there were 35 days of sick-pay to each distinct applicant.*

	Years of Life.	Attacks of Sickness.	Annual Attacks per Cent.	Mean Duration of each Case.
				Days.
East India Company's labourers, London. 1823-32	19,838	4,880	24·6	24·5
Children between the ages of 5-20 in the Sick Society of Bennet-street School, Manchester, 1830-2 †	2,716	609	22·4	31·2
Artizans and apprentices, Wurzburgh, Germany, mean age 15-35, 1786-1834 ‡	58,195	13,268	22·8	
Labourers in the British Dock-yards.				
Plymouth, 1829-31, § *sick*	6,186	2,145	34·7	12·2
Portsmouth, 1830-32, *sick*	- -	2,250	37·8	12·2
— *hurt*	- -	1,001	16·0	15·6
— *sick and hurt*	5,939	3,251	53·8	13·2
Sheerness, 1830-32, *sick*	1,422	622	43·7	
Chatham, 1830-32, only the *sick?*	3,941	1,939	49·2	11·7
Pembroke, 1830-32, only the *sick?*	1,338	701	52·4	

	Average Numbers living.	Annual Attacks.	Annual Attacks per Cent.	Mean Duration of Attacks in Days.
Lancashire, working in cotton factories: ‖				
Males, ages 11-31	- -	- -	27·8	16·45
Females, ages 11-31	- -	- -	41·7	12·63
Glasgow, working in cotton factories:				
Males, ages 11-31	- -	- -	40·3	17·14
Females, ages 11-31	- -	- -	41·3	15·54
Deanston cotton-works, 2 years, 1831-2: ¶				
Males	231	46	20·0	
Females	439	196	44·8	
Self-supporting Dispensary, Burton-upon-Trent, 1855 **	2,407	1,131	51·3	

* From a valuable return, and copies of the reports, for which we are indebted to the senior surgeon, J. Garthside, Esq. To obtain the precise numbers in the text, from the reports, some approximations had to be made. We refer particularly to the numbers upon the surgeons' books, and the time members were not entitled to pay.

† *Factories' Inquiry Report*, by Dr. B. Hawkins, Supplement, p. i. p. 276.

‡ Hecker's Medical Journal, 1836.

§ Returns made by E. Jessep, W. Pennell, J. Ward, D. Rowland, W. P. Smith, R. Laws, and R. Tobin, Esquires, pursuant to an order of Admiralty. *Supp. Report, Factories' Inquiry*, p. 54—58.

‖ *Dr. Mitchell's Report. Data* not given. Deduced from the *Lancashire and Glasgow Factory Tables*,

¶ *Factories' Inquiry, Supp. Report*, p. i. p. 80—82. Appendix to evidence taken by Mr. Stuart, a return very judiciously drawn up by the manager, Mr. Smith,

** *Dr. Bigsby on Dispensaries.* The Burton-upon-Trent Self-supporting Dispensary included men, women, and children.

Observations in 60 Gaols of England and Wales during 5 Years, 1830-4.	Committed.	Prisoners in the Gaol at the Time of the Returns.	Cases of Sickness.	Deaths.	Annual Cases of Sickness on an average Population of 100.	Annual Deaths out of 100 Prisoners.	Deaths in 100 Cases of Sickness.
20 gaols where the dietary is low	164,614	15,173	6,127	243	40·4	1·60	3·97
20 gaols where the dietary is intermediate	63,440	12,398	11,550	188	93·15	1·52	1·63
20 gaols where the dietary is highest	39,717	7,932	8,937	137	112·7	1·73	1·53
	267,771	35,503	26,614	568	75·0	1·60	2·13
Détenus de la Maison Centrale de Nimes, one year, 1835 *		1,219	1,272	107	104·3	8·77	8·41

	Average Force.	Attacks.	Annual Attacks per cent.
BRITISH TROOPS.			
Corfu, 6 years, 1816-21	1,974	2,350	112
Bengal, 7 years, 1826-32	8,700	14,933	173
Fort St. George, Madras Presidency, 4 years, 1827-30	11,820	21,178	179
NATIVE TROOPS.			
Fort St. George, Madras Presidency, 4 years, 1827-30	74,851	39,449	54
Windward and Leeward Command (aggregate force 1817-36):			
White troops	86,661	164,935	190
Black troops	40,924	33,557	82
Officers (white)	3,740	3,159	84
Jamaica Command (aggregate force 1817-36):			
White troops	51,567	93,455	181
Black troops	5,279	1,935	92
Officers	1,266	1,254	64

The attacks of disease vary in frequency to a great extent in unhealthy and salubrious situations: but the experience of the East India Company's labourers, of the children belonging to the Bennet-street School, which has the best regulated sick society in Manchester, and of the artisans of the Trades Club in Wurzburgh, all receiving pay during sickness, and only falling on the funds in cases of some duration and severity, tends to show that 100 of the efficient male population of this country are not liable to more than 25 severe attacks of disease in the year. To each man there is a protracted disease, disabling him from work every four years: this forms one great section of the sickness of the country; but it does not include syphilis, accidents from fighting and drunkenness, or the many ailments which make men apply for medical advice, while they carry on their occupation, comprising, perhaps, as many more cases of a slighter character, which raise to 50 per cent. the proportion of the population attacked annually. In the Portsmouth dock-yard there were 38 attacks of sickness to 100 men: 16 per cent. met with accidents in the year. Besides accidents, the attacks of sickness in Sheerness amounted to 43·7 per cent. The reported attacks of sickness in Sheerness are exclusive of accidents; and if, as is probable, the same exclusion was made in the other returns, the spontaneous cases amounted to nearly 50 per cent. in Chatham and Pembroke. By excluding the slighter cases, the attacks of sickness may be reduced near the level of the preceding series: in the healthiest dock-yard,

* *Annales d'Hygiène*, p. 462. April, 1836. There were in this Maison Centrale 24 prisoners between 13 and 16 years of age. The rest were, propably, much older than the English prisoners; which, with the longer term of detention, will partly account for the high rate of mortality. The days of sickness amounted to 24,313; or 22·3 days each case. During this year cholera prevailed in Nimes. In the 60 English prisons the mean number of annual deaths in the four years 1830, 1831 1833, 1834, was 101; in 1832, the year cholera prevailed, 162 died.

Plymouth, for example, out of 2,147 cases, 635 did not exceed three days in duration; and, by subtracting these, the proportion attacked in 100 will be reduced from 34·7 to 24·4. Accidents, although excepted here, ought not to be excluded, because they occur as common inevitable causes of disease among all classes of the people, and raise the sickness to a considerable, although varying, extent: in Portsmouth, the increase of cases from this cause was 42 per cent. Except Plymouth, the dock-yards appear to fall somewhat below the national standard of health; more than 50 in 100 of the men are attacked by sickness of one sort or other annually. In Sheerness, out of 1,422 diseases, 263 were agues, 142 rheumatisms, 68 colics and cholera.

The return from the Deanston cotton-works, in Scotland, after deducting cases of less than three days' duration, makes the annual attacks of sickness among males 20, among females 44·8 per cent. This difference between males and females deserves attention; it is produced by rheumatisms, diarrhœas, and even wounds, but more particularly by catarrh and headach. The female cases approach the nearest to the total attacks; as the wages of women are lower, and they give over working abroad on slighter occasion than males. Almost an equal difference is visible in the Lancashire cotton-works; in Glasgow the difference is trifling. Females apply for medical advice more frequently than males; but as their mortality between 15 and 40 is but a little higher, the same must hold respecting severe illnesses. The cases observed in factories, only reported on the recollection of the workmen, would very likely include nearly all the serious diseases, and a varying proportion of the slighter distempers which detained them from work. Soon after 40 years of age individuals of the labouring classes begin to suffer from stomach complaints, the consequences of poor diet, poor clothing, exposure to weather, and anxiety; and from these complaints, in some shape or other, they seldom afterward become wholly free. The attacks of sickness among paupers, — the feeble, crippled, maimed, idiotic, crazy, miserable, dirty, dissolute, vicious, unfortunate, — rejected as refuse from all the foregoing classes, are more numerous than the attacks to which select labourers are liable; and medical men, in undertaking to attend paupers, should bear this in recollection. For the facts relating to English prisoners we are indebted to a highly interesting paper by Mr. Chadwick, in which, by collating the dietaries of 60 prisons in England and Wales, he has rendered it probable that the present differences in the prison *diet* produce little appreciable effect upon the sickness. An accurate return of the average population of the prisons, the ages of the prisoners the diseases and the deaths, the amount of labour performed, and information concerning the ventilation of the cells, will, in a few years, settle this question. The average population in this table was assumed to be furnished by the numbers remaining at five times in each of the 60 prisons.

We are unacquainted with any data from which the absolute morbility of the British population can be deduced, any more than the

mean duration of each case, and the mortality of the sick, with which it is intimately connected. Several interesting observations on distinct classes, and on the morbility, and duration of sickness at different ages, however, exist At the age of 20—50 the duration of each attack among the East India Company's labourers was 22·2 days, and, with the pension-time, 36 days: 7·8 in 100 cases died, or 7·4 exclusive of pensioners. The duration of these cases approaches very near the term of treatment in 14 Paris hospitals, where patients are admitted indiscriminately, and continue till they recover or die; in 1819—1825, the mean number, 3,947 patients, remained 35 days. In the hospitals of this country, where adults and more chronic cases are received, but at the same time are often sent out before death occurs, the patients continue longer under treatment: in the county hospitals (31) of Ireland, the patients remain 38·3 days; of England, 39·4 days; of the metropolis, 42 days.*

Where slighter and ephemeral cases are counted, and organic diseases are excluded, the duration of cases among adults does not, according to the returns from the dock-yards, exceed 12 days. In Corfu, 1816—1821, the mean duration of all the diseases (14,098) was 16·1 days.

It is of great importance for medical men to know the average number of deaths in all the cases that come under their care, in order to judge of the remedial influence of medical appliances. The hospitals furnish some, although inadequate, information on this head. The sanability of the sick decreases in the large cities.

Hospitals.	In-Patients treated in 1 Year.	Mean Number of In-Patients.	Deaths.	Deaths out of 100 Patients.	Deaths in 36·5 Days out of 100 Patients.
Salop, 4 years (1830—33)	955	92	34	3·7	3·6
Winchester, 1 year (1833—34)	798	83	31	3·8	3·7
Salisbury, 1 year (1833—4)	894	88	27	3·1	3·1
Chester, 2 years (1833—5)	489	45	20	4·2	4·5
Manchester, 1 year (1831—2) †	1,784	128	128	7·2	10·0
Liverpool, 1 year (1831) ‡	1,960	220	109	5·6	5·0
Bristol, 1 year (1828—9)	1,483	195	160	9·5	8·2
London, 7 hospitals	18,740	2,191	1,605	9·0	7·6

These observations are in conformity with what is seen in other hospitals: the deaths among the patients in the London hospitals agree very nearly, when the time is the same (36 days), with the deaths among the London labourers (7·5 : 7·8), and the ratio of their ages is not very different. The deaths in 100 attacks were, among the Bennet-street Scholars, 4·24; the Wurzburgh artisans, 3·33; the British troops in Corfu, 2·3; in Fort St. George, 2·7; in Bengal, 3·3; the native troops, Fort St. George, 2·6; while the deaths out of 100 living in these places were respectively 0·95, 0·76, 2·74, 4·8, 5·7, 1·4. The higher absolute mortality produced by external causes is due in part to the increased number of attacks, and in part to the greater fatality

* British Medical Almanac for 1836.

† Deaths rated higher in 1833-4. In the 80 years, 1752—1832, only 4·93 per cent. of the patients died.

‡ *Factories' Inquiry, Supp.*, p. 306. The other facts are from the *British Medical Almanac.*

of the cases.* In like manner the sick-time is augmented principally by the attacks, and but slightly by the cases lasting longer.

Men placed in the same circumstances appear equally liable to an attack of sickness between 11 and 60 years of age; 100 of the London labourers, in each of the decennial periods, 20–30, 30–40, 40–50, 50–60, had nearly 23·5 attacks of sickness annually; the highest number was 26·4, the lowest 22·4. A closer agreement could not, considering the extent of observation, and all accessory circumstances, be expected. A greater number of cases appear under 30, and as age advances; because, as Mr. Leese, when questioned, informed us, old and young men were placed on the sick-list for slighter ailments than men between 30 and 50; and this is confirmed by the fatality of the cases at these early and late ages not being proportionally great. The proportion of attacks (Table 14. col. 7.) was deduced from the men on the working list; it should have been calculated from all the men living †, including pensioners, and this would have raised the proportion of attacks after 40; for the proposition is, that 100 men aged 30 will suffer in the same circumstances as many attacks of disease as 100 men aged 50 or 60; and the 100 men embrace the sick, pensioned, or disabled, which become more numerous as age advances. Collected for another purpose, the Factories' Returns of sickness, notwithstanding the irregularity resulting necessarily from limited observations and defects which pervade equally the whole series, exhibited between 11–31 but inconsiderable oscillations in the number of attacks, whether among males or females. Out of the eight series of tables we select those founded on the greatest number of facts.‡

ATTACKS of Illness in each Quinquennial Period of Age, indicated by the Interval between each Attack.

Ages.	Lancashire		Glasgow.	
	Males.	Females.	Males.	Females.
11–16	3·8 years	2·8 years	2·6 years	2·2 years
16–21	3·7 —	2·5 —	3·1 —	2·4 —
21–26	3·7 —	2·4 —	2·2 —	2·5 —
26–31	3·2 —	2·1 —	2·5 —	2·4 —

The mean duration of each case increases as age advances. So if we take in the pension-time under 60, inasmuch as the greater part of it legitimately appertained to the antecedent attack, the mean duration of each case among the East India Company's labourers was in the four decennial periods 20–60 respectively 22·5, 33·9, 47·7, 98·8 days. In all the Factory Returns, the duration of the cases increases in like manner, although, for obvious reasons, not so fast.

The mortality among the persons attacked, augments with age at the same

* It must always be recollected that the army observations comprise every case treated; half of which probably would not throw a man on a sick pension fund; so to compare them with the latter, the deaths should be divided by about half the cases. To obtain a rough approximation, therefore, multiply the above army deaths in 100 cases by two.

† The difference below 50 is trifling; the observation was imperfect, and could only have been calculated on the living by hypothesis.

‡ Deduced from Table 15.

rate as the mortality among the entire number living. Out of 100 attacked in each of three decennial periods (Table II.), 20–50, the deaths were respectively 2·9, 6·5, 10·4; the deaths out of 100 labourers, whether sick or healthy, were, in the same periods, 0·82, 1·48, 2·43. The rate of increase was nearly the same.

This law is illustrated by the mortality of cases of smallpox at different ages.*

Ages	0–5	5–10	10–15	15–20	20–30	30–40	40–50	50	All Ages.
Cases	256	264	617	2303	3736	462	144	68	7850
Deaths	105	64	118	562	1273	215	84	54	2475
Deaths per cent.	41 97	24·2	19·1	24·4	34·07	46·54	58·33	79·41	31·53

The sick-time increases with age in a geometrical progression (see Tables VIII. IX. &c.). If, therefore, the number of attacks at each age be the same, the duration of each attack will increase in the same ratio; and conversely if the duration of the cases and the sick-time augment at the same rate, the number of attacks at every age will be equal. Any two of the elements being given, the third may always be deduced from them. Again, if the mortality of the attacked increase at the same rate as the mortality of the entire population, the proportion attacked at every age will be the same. Among the London labourers the mortality between 30–40, 40–50, was 1·48, 2·43 in 100 living; the mortality among 100 attacked was 6·5, 10·4. Now 1·48 is to 2·43 very nearly as 6·5 is to 10·4; and it results from this that the attacks, whatever their absolute number may be, whether 22 or 52, were the same in both periods. The deaths below apply equally to the attacks and to the living: they apply, however high the absolute number of attacks be raised, provided it be raised to the same degree in both periods; but cease to apply if the number of attacks in each period be different.

Ages.	Mean Number living.	Annual Attacks.	Annual Deaths.
30–40	100	22	1·48
40–50	100	22	2 43

We pass over several important applications of these facts to practical medicine, and to practical statistics, where, as in trigonometry, two of the elements of calculation can frequently be measured when the third is only attainable indirectly; expressing a hope, however, that they may be made available in the next census to throw much light upon the sanatory state of different classes of the population.

Mr. Edmonds first showed, from tables published by Dr. Southwood Smith, that the mortality of the fever patients in the London Fever Hospital, between 15–60 increased, every year, at a rate measured by a constant (1·03) discovered by him, and applied to the construction of tables of mortality; he also first announced, that if the mortality of all the patients increased in the same ratio, the number attacked at each age between 15 and 60 must be the same; and more-

* We took out these cases from the books of the London Smallpox Hospital, for the years 1780—99. and 1828—36. — *Brit. Med. Alm.*, 1838, p. 202.

over, that as the amount of sick-time increases as the mortality, the duration of each case will increase in the same ratio.*

The rate of mortality varies in the progress of cases to their termination. It has been found that the rate varies according to a mathematical law; describing a regular curve, which can be calculated; the results observed, and calculated, agreeing with great exactness. The law has been investigated in cholera, and in small-pox.

CHOLERA. Daily Rates of Mortality per Cent.

Days	1	2	3	4	5	6	7	8	9	10
Deaths	2096	1412	563	297	229	209	144	112	78	63
Deaths per cent. (observed)	25·2	21·7	10·5	6·3	5·5	5·7	4·5	4·0	3·3	3·1
Deaths per cent. (calculated)				6·3	5·6	5·0	4·4	4·0	3·5	3·1

The parallel has been carried, and holds, down to the twenty-fifth day. The mortality decreases 12 per cent. daily.

SMALL-POX. Daily Rates of Mortality per Cent.

Days	15—20	20—25	25—30	30—35	35—40	40—45
Total Deaths	552	153	70	39	23	14
Deaths per cent. observed)	2·716	·848	·430	·279	·204	·161
Deaths per cent. (calculated)	2·716	·848	·430	·278	·204	·158

The rates which regulate the progress of the mortality were deduced from 5,268 cases of small-pox; 9,372 cases of cholera.†

External circumstances have the greatest influence in augmenting the attacks of diseases; age and the internal state of the body determine their mortality and duration. When the people of this country are placed amidst destructive agencies, these, like balls in battle, carry them off, by attacking a greater number; they also add to the fatality of the attack; but after a man is seized, age and vital tenacity, exclusively of medicine, are the great modifiers on which his life and sufferings depend. In epidemics the attacks generally become much more fatal at the same time that they are more numerous.

DISEASES.

"*Mille mali species, mille salutis erunt.*"

The diseases which constitute the sickness, disable, and carry off the people of this country, in the midst of their life, form the next section of this investigation. Man's body is compounded of many parts, performing many offices, so diversified in nature that there is, perhaps, no extensive train of phenomena in the universe which does not find its counterpart in his organisation; crowned with other and higher

* *Lancet*, vol. i. 1835–6, p. 855. The rate of sick-time rises among the London labourers at the rate indicated by the above constant (1·343 in 10 years); so, consequently, does the duration of the cases up to 50; when another constant takes its place, and the sickness is doubled (2·15 decennial constant from the age of 50) every ten years. The mortality of the cases, and of the living, increases in a more rapid progression even than in the general population of London; this is due probably to the selection at 20—35.

† Paper by William Farr, read at the Newcastle meeting of the British Association for the Advancement of Science. — *Lancet Report. Med. Annual*, 1838, 1839.

faculties of sense and intellect, far removed from any thing observed in inorganic matter. This complexity and completeness of the human body almost justified the ancient opinion "that man was microcosmus, — an abstract or model of the world." For, dust and ashes as it is, who can survey the ruins of the human frame, the bare skeleton to which it is at last reduced, and in clothing it with muscle and tendon, artery and vein, delicate and incessant chemical action, forces adjusted for circulating fluids, and producing motion, sight, and all sense, — affection, passion, thought, — the history of all it may have done and suffered, — without feeling that a world wrecked in space — a planet in all its aberrations — offers a less interesting spectacle than the phenomena manifested by the human body in its progress to death!

With whatever precision the inquiries in which we have hitherto been engaged may measure the magnitude of the national loss by sickness, in seeking remedies a careful examination of the derangements and distempers to which the variable composition of man's body has made it accessible is required; for disease and death come not in one form or garb, nor can they be arrested in one way: "this subject of man's body," Lord Bacon justly observes, "is of all other things in nature most susceptible of remedy, but then that remedy is most susceptible of error."

The first and most important statistical division of diseases is into epidemics, which attack and often destroy in a short time great numbers of people; endemics, such as marsh fevers, confined to particular localities; and sporadic affections, occurring in an isolated manner, under the ordinary atmospherical influences.

Epidemics.

In a thinly-peopled uncultivated country, the indigenous plagues may be generally traced to marshes, to famines, or to the congregation of great multitudes in the same spot for superstitious or for warlike purposes. As civilisation dawns, cities are constructed; but they are at first rude inventions, where the supplies of air, water, and food are irregular, the narrow streets shut out the sun, and the dirt, the animal excretions, and decayed organic matter, are suffered to infect the air. In a high temperature, the effluvial atmosphere becomes a deadly poison; and it is only as science advances, and the construction of cities is improved, that epidemics decline.

In England, before the Norman conquest, there were no large cities: the population was scattered over the country, then densely wooded, marshy, and partially tilled. Grain was cultivated; but swineherds and shepherds formed a considerable portion of the pastoral, rather than the agricultural Saxons. Bread and beer were made; but fish, particularly eels, and flesh, especially pork fed on acorns, were comparatively more abundant. The meat was killed and salted at the beginning of winter to save fodder. Three-fourths of the population, at the time of the Conquest, were slaves. In such a state of society, an imperfect cultivation of the soil, and incessant intestine wars, neither capital nor the stock of provisions could accumulate. Famine, in the words of the Saxon chroniclers, scoured

the hills. Several severe dearths are recorded in the chronicles; and pestilence followed in their train. Murrains were frequent. Fever and dysentery were epidemical. Besides the epidemics generated by bad crops, murrains, famine, and war, the plagues generated in the thronged cities of the Orient, devastated this kingdom. Fordun cites a Greek historian, to the effect, that a dire mortality prevailed, A. D. 669, all over Europe, and did not spare the remotest islands; namely, Great Britain and Ireland.* In 664, a sudden pestilence (Man-cyalm), after depopulating the southern coasts of Britain, infested the province of the Northumbrians, and, raging for a long time in every direction, destroyed great multitudes.† This was probably the buboe plague, which became epidemic in Constantinople, A. D. 531; and in the course of the sixth century destroyed, according to Procopius, half the population of the Eastern empire. It reached Italy in the year 565, and spread through the circumjacent countries. In the chronicles of the age, we have met with notices of fatal famines and pestilences, A. D. 664. 669. 678. 759. 822. 897. 961. 975, 976. 987. 1004, 1005. 1042. 1047. The catalogue is no doubt imperfect; for plagues, like heroes, have bad historians among barbarians. Hecker maintains that the small-pox reached France in the year 580, and cites some remarkable passages in proof of this, from Gregory of Tours.‡ The disease was called *Morbus dysentericus cum pusulis;* and it is not unlikely that small-pox formed more than one of the epidemics in England.§ It is related that Elfrida, Alfred's daughter, had this disease.

1066—1400. William the Conqueror broke down the remains of allodial freedom, and rigorously enforced the feudal system, as it was much better suited to the purposes of military subjugation. "Castles," says the Saxon chronicler, "he let men build, and miserably swink the poor." Three years after the Conquest, universal famine prevailed, and the wretched inhabitants ate dogs, cats, horses, and human flesh; some, to sustain a miserable life, sold themselves as slaves, while others fell down dead on the way to exile.‖ Henry of Huntingdon laments, in his day, that "there was scarce any chief of the progeny of Engles in Engleland; but that all were reduced to slavery and sorrow." Concessions were slowly wrung from the Crown by artisans and traders, who obtained protection in towns; and so early as the thirteenth century made their voice heard in the national councils. Simon of Montford summoned the Commons. Edward I. conceded that no tax should be laid without Parliament. The cotiers endured greater hardships than the town-people, and without any remedy, for they had no magistrates of their own caste. But many labourers were emancipated; and destructive epidemics, particularly the pestilence of 1348-9, diminishing the labouring population, raised the price of wages. A reaper could not be had for less than

* Fordun, Scriptores, xv. vol. iii. p. 646.

† Bed. Hist. Eccles. Ang., and Saxon Chronicle, an. 664.

‡ Geschichte der Medizin. 2 B. p. 145.

§ There is a charm against the small-pox (Wiš Poccas) in the Cotton MSS. Caligula A. 15. vi. fol. 125.

‖ Simeon, Dunelm. Hist. p. 199. script. Savill.

8*d.*, a mower for less than 12*d.* a day, with food. Edward III. enacted that the labourers should demand no more than the usual wages; but the latter, haughty and obstinate, regarded not the King's command! Many were cast into prison; many ran into the woods: others, after having been sworn, in prison, not to take more than their usual wages, were liberated. Artisans in towns were treated in the same manner. The aristocracy ascribed the rebellion of 1381, under Richard II., to the "ease and riches of the common people;" but, as the latter were probably equally good judges of their own circumstances, it will be well to weigh their own description, preserved by Sir John Froissart. Assembled in thousands around their youthful king, they said:—"Whereby can they (the Norman nobles), say or shewe that they be better lords than we, vestured with poor cloth (draps). They have their wines, spices, and good bread; we have rye, and the drawings out of the chaff,—and drink water. They dwell in fair houses; and we have the pain and travail, rain and wind, in the fields. And by that that cometh of our labour, they keep and maintain their estates. We be called their bondmen, and without we do readily them service, we be beaten. The King asked, what will ye? We will that ye make us free for ever; ourself, our heirs, and our landes: and that we be called no more bond, nor so reputed."—"Sirs," said the King, "I am well disposed thereto."*

In this state, when the people were depressed, and the resources of the country were dried up, or wasted in war, epidemics were frequent and fatal. The chroniclers record famines, murrains, and epidemics, A. D. 1069, 1070, 1073, 1086, 1087, 1093, 1096, 1103, 1111, 1112, 1124, 1125, 1126, 1162, 1175, 1176, 1183, 1189, 1196, 1203, 1221, 1224, 1252, 1257, 1258, 1259, 1271, 1289, 1294, 1295, 1315, 1316, 1318, 1341, 1348, 1349, 1355, 1361, 1362, 1369, 1379, 1390, 1391, 1392. A few examples will prove the severity of these visitations. In 1093 the quick could scarcely bury the dead.† 1124. A dearth prevailed; lifeless bodies lay everywhere unburied in the cities, villages, and cross roads.‡ 1196. The common people (vulgus pauperum) perished in every quarter for lack of food; and the fiercest pestilence followed, in the form of an *acute fever*, which destroyed such numbers, that scarcely any were left to minister to the sick. The customary funeral services ceased. In many places large ditches were made, into which the dead were thrown.§ 1257. The inundations of autumn destroyed the crops. This pestilential year gave birth to fatal fevers. In the summer, and principally the dog days, two thousand dead bodies were carried to the cemetery of St. Edmond's. 1258. Innumerable multitudes of poor people died of hunger. About the feast of the Trinity, the pestilence grew intolerable; 15,000 perished in London alone; in England, and elsewhere, thousands died. The

* Berners' Trans. 1525. p. 202.; collated with the French edition of Sauvages. Berners omits rye, *seigle*.

† Stow's Annals, p. 132.

‡ Simeon Dunelin, Hist. p. 251.

§ Chron. of W. Hemingford, vol. ii. p. 54_{6-7} Ker. Ang. Scrip. ab. H. Savillo.

summa of wheat rose at last to 15*s.*, and higher: the rich only escaped death by purchasing foreign grain; the middle classes sold their possessions, and many of honourable degree were reduced to beg from strangers; or restrained by shame to pass the night in unnumbered sighs, hungry, pallid, dinnerless. These famines were attributed to the scarcity of money, produced by the exactions of the Pope and the King.* 1315. Provisions grew dear, and the Parliament attempted to fix the price; but the next year (1316) they grew still dearer. The quarter of wheat was sold for 30*s.* and 40*s.* Such a mortality, particularly of the poor, followed, that the living could scarcely bury the dead. A dysentery, generated by corrupted food, infested nearly all the people, and reduced many to the last extremity. Horses, dogs, and young children were eaten.† The *Black Death*, which broke out at Southampton, August 1348, destroyed half the population: according to another estimate, one-tenth part of the people did not survive. In a royal edict, of Dec. 1. 1349, it is said, *non modica pars* populi est defuncta; in another, of 1350, a stronger phrase is used—*magna pars* populi est defuncta.‡ In 1352, scarcely a *fourth* part of the Oxford students had survived the plague.§ It spared the great, to fall with redoubled fury upon workmen and servants. Crowded cities were depopulated. The *Black Death* had many symptoms which characterise plague: the stupor, the sleeplessness, the loss of speech, the black tongue, the unquenchable thirst, and the glandular swellings; putrid inflammation of the lungs, with intense pain in the chest, and bloody expectoration. The attack proved fatal in two or three days, sometimes in half a day. This epidemic began in the East.‖ 1355. A peculiar kind of madness was epidemic; those affected, fled into the woods, and wandered about the fields. 1379. A plague in the northern parts of the island broke out. Villages and cities crowded with warlike, wise, and rich men, were reduced to a solitude and a desert. In this extremity, the Scots fell upon the country; and before making their incursions, prayed: "Gode, and St. Mango, St. Komayn, and St. Andrew, shield us this day fro Goddis grace, and the foule death that Englishmen dien upon."¶

The picture of these desolating plagues will appear exaggerated, if it be not borne in mind that the great mass of the people were more wretched than the peasantry of the west of Ireland in the present day; that the Crusaders formed a living chain for the transmission of diseases engendered in the East; that the towns were erected by traders, in utter ignorance of hygiological principles; and that the poor were unprovided with medical attendance.

1400—1700. As the labouring population, gradually recovering the losses sustained in sickness and the recurring epidemics, became numerous, the relative value of labour somewhat diminished; the servile

* Mat. Paris, Hist. Ang. p. 958—987.
† Walsingham; an. 1316. Ang. a vet. Scripta ex Bib. G. Camden.
‡ Rymer. Fœdera, an. 1348, 1349, and 1350.
§ A. Wood, Ath. Oxon., an. 1349–52.
‖ See Hecker's Hist. of Black Death. Hist. of Edward III.; by J. Barnes.
¶ Walsingham, Ang. Scrip. p. 228.

toil of the bondmen was worth little more than their subsistence, and their long cries for enfranchisement were heard between the fourteenth and the seventeenth centuries. In an unpeopled country, where agriculture and the arts are springing up, labour is dear; the strong make the weak slaves, and obtain their labour for their maintenance; but when slaves impatiently demand enfranchisement, and the lord of the soil, or the capitalist, can obtain better labour for less money in wages, than he must expend in keeping up a stock of serfs, why should he desire to keep the labourer in thraldom? The Duke of Newcastle would not now undertake to maintain the population upon his estates, in exchange for their servile offices; a proprietor in Canada, or in New South Wales, would hesitate ere he rejected a similar offer. If the wages of certain labourers were relatively higher in the fourteenth than in the nineteenth century, are we to conclude, with Cobbett and others, that the mass of the population were in better circumstances? Unquestionably not: there were free labourers; their wages were high, and for that reason precisely the mass of the labouring population remained serfs. They were bondmen; they received no direct wages; they were dressed in canvas, and lived upon any food which the landholders believed would keep them alive. Fortescue, in the time of Henry VI., indeed, talks of the English people drinking no water, except on a religious score, of their feeding upon abundance of flesh and fish, and of their being clothed in good woollens. The Chancellor, in exile, had in his eye the middle and higher classes; as fashionable physicians, ascribing all the diseases of mankind to luxury, understand only that part of mankind from whom they receive high fees; or as in the historians, we read of the liberties of the Roman and Greek people, when under the republics,—the labouring classes, now emphatically called the people, were all slaves. It cannot be concealed, says Walsingham, in a grievous famine, that while the poor perished of hunger, the rich habitually indulged luxurious tables.

Caius, in his book upon the sweating sickness, bids his patient "not to go out fasting; yet this is not so to be understood, that in the morninge, we shall streighte, as our clothes be on, stuffe our bellies as full as Englishmen, as the Frenchman saith, to our shame." Caius erroneously maintained, that the epidemic did not reach Scotland or Germany, and that abroad it only seized Englishmen: "Cause whereof none other there is naturell than the evil diet of these countries, which destroy more meates, and drenckes, without all order, convenient time, reason, or necessitie, than either Scotland or all other countries under the sunne." In another passage the writer says, "They which had this sweat sore with perill or death, were either *men of wealth, ease*, and *welfare*, or of the poorer sort, such as were idle persons, good ale-drinkers, and taverne-hunters. *The labourous and thin-dieted people*, either had it not, because they eat but little to make the matter; or with no great grefe and danger, because they laboured out much thereof."

Potatoes, various edible vegetables, and fruits, were introduced in this age, as parts of the daily food; ale was brewed with hops; tea, and coffee, and spices began to be used; tobacco, notwithstanding the royal counter-blast, was smoked, and alcoholic drinks were distilled and drank.

If any proof were wanted of the inadequate supply of food, and the unhealthy dwellings of the English people, down to the seventeenth century, it would be found in the famines and plagues which still prevailed with little mitigation. These vultures, which followed the steps of our forefathers, were observed in the years 1407, 1440, 1477, 1485, 1493, 1500, 1506, 1510, 1517, 1528, 1545, 1551, 1557, 1558, 1563, 1569, 1585, 1592, 1593, 1603, 1625, 1636, 1665. In 1407 it was computed that 30,000 persons died within a short time in London; while the mortality was still higher in the country towns*—1477. The pestilence, after the death of the Duke of Clarence, was so fierce, that fifteen years' war past consumed not the third part of the people that only four months miserably and pitifully dispatched, and brought to their graves.† Shortly after the 7th of August, 1485, when Henry VII. arrived at Milford in Wales, out of France, a disease appeared among the people, lasting the rest of that month, and all September, which, for sudden sharpness, and unwonted cruelty, surpassed the pestilence. It killed some in opening their windows, some in playing with children in their street-doors; some in one hour, many in two, it destroyed; and at longest, to them that merrily dined it gave a sorrowful supper. If the half in every town escaped, it was thought a great favour.‡ This was the sweating sickness, which recurred in 1506, 1517, 1528, and 1551. In the summer of 1493 the *venereal disease* appeared almost simultaneously all over Europe; a proclamation relating to it appeared in 1494. It committed great ravages, and raged like an epidemic in the 16th century. Clowes, a surgeon to Bartholomew's Hospital, states that of the patients admitted there, 10 in 20 had syphilis. "It is wonderful," he writes, "to consider the huge multitudes of such as be infected with it, and that daily increase, to the great danger of the commonwealth, and the stain of the whole nation."§ It played great havoc among the courtiers: one of the charges against Wolsey was, that he had given the King the —— by his pestilential breath! (Holinshed.) The three monarchs, Charles V., Francis I., and Henry VIII., it is said, laboured under the affection at the same time.

Until the reign of Elizabeth, no systematic attempt was made to enumerate the deaths from plague, and from other diseases. The great men at the head of her government immediately perceived the importance of accurate information on this head; and the deaths in the plague year, 1563, were no longer left to conjecture, but counted, in the metropolis. They are thus given by the chronicler Holinshed:—

Died in London.	Of the plague.	Of other diseases.	Total deaths.
In the city and liberties (108 parishes) - -	17,404	2,968	20,372
In the 11 out-parishes - - - -	2,732	556	3,288
Total - - -	20,136	3,524	23,660

* Walsingham, p. 376.

† Holinshed Chronicles, ed. 6. vol. iii. p. 346.

‡ A Boke or Counsell against the disease commonly called the Sweate, by John Caius, Doctor in Phisicke, 1552.

§ Clowes, On Morbus Gallicus, 2 ed. 1585.

The clergy had been commanded by Cromwell to register the burials, baptisms, and marriages; and in 1594 orders were issued by the Privy Council to the justices, enjoining them, wherever the plague was, to see that the minister of the church, and three or four substantial householders, appointed persons to view the bodies of all that died, before they were suffered to be buried, and to certify the minister or churchwarden of what *probable disease* each individual died. The minister or churchwarden was to make a *weekly* return of the numbers that were infected or died, also of all who died in their parishes, with the probable diseases of which they died, to the neighbouring justices. The returns, thus collected, were to be entered by the clerk of the peace in a book kept for the purpose; and the justices, assembled every three weeks, were to forward the results to the Lords of the Privy Council.* This comprehensive scheme of registration gave rise to bills of mortality; of which several were commenced about this period. The London bills, which began in 1593, and have been preserved in an almost uninterrupted series, from the year 1603 down to the present period, will enable us to obtain a tolerably near approximation to the mortality produced by the buboe plagues of the seventeenth century.

The deaths recorded in London were as follows: —

Years - -	1593.	1603.	1625.	1636.	1665.
Died of Plague - -	26,005	36,269	35,417	10,400	68,596
Died of other diseases - -	15,764	5,773	18,848	12,959	28,710
Total deaths - -	41,769	42,042	54,265	23,359	97,306

Fresh parishes were gradually included in the bills of mortality; but assuming that the average population in the city and liberties of London was nearly 130,178 †, the following table exhibits the rate of mortality in four plagues.

Liberties of London within and without the Walls, 113 Parishes, the Population 130,178.

Years.	Deaths. reported of Plague.	Total Deaths.	Annual Deaths per Cent.
1593	18,771	31,891	24
1625	26,260	40,722	31
1636	6,666	16,905	13
1665	38,775	56,558	43
Total -	90,472	146,076	28

It is scarcely possible at this distance of time to conceive the desolation occasioned by these dreadful pestilences. Now the annual deaths in the metropolis, from Kensington to Greenwich, from Isling-

* Orders thought meet by her Majesty and her Privy Council to be executed throughout the counties of this realm, in such towns, villages, and other places, as are or may be hereafter infected with the plague, 1594.

† Vide note, p. 579.

ton to Camberwell, do not exceed 50,000; and the mortality was not raised more than 30 per cent. in 1832, when Asiatic cholera excited so much terror. The deaths scarcely amounted to 65,000 in the year of epidemic cholera; if the same rate of mortality had prevailed, as in the plagues of the seventeenth century, the deaths in the metropolitan district would have exceeded *half a million!*

1700—1838. The plague has never visited London in an epidemic form since 1665. Fever, dysentery, influenza, small-pox, scarlatina, and measles, became the prevailing epidemics; and up to the middle of the eighteenth century one or other of them frequently cut off 8,000—10,000 lives in an outbreak. They maintained a high mortality; but no epidemic ever raised the annual mortality above 30 per cent. Influenza and other epidemics have scarcely failed to recur at intervals in all the towns of the kingdom, and will continue to recur so long as their causes exist; but, since 1665, no epidemic of so much importance has been observed as the cholera, which broke out at Sunderland, October 23, 1831, and reached London in the warm moist February of 1832. The London bills of mortality of that year ascribed 3,200 of 28,605 deaths to the epidemic. The mortality in some foreign cities was ten times as great. The absence of plague from London has been ascribed by certain speculators to the enforcement of quarantine; the cholera demonstrated the absurdity and inefficacy of the entire machinery of quarantine establishments, by crossing the cordons in every direction without any hesitation. It is time that this folly should be abandoned. Governments might shut out the four winds of heaven; but pestilence will laugh at their precautions, while they retain the elements of pestilence in the bosom of their populations. Every fact, with which science is acquainted, tends to prove, that if we cannot exclude this subtle fire from our habitations, we can to a certain extent render them pestilence proof. A prosperous nation, whether scattered over a cultivated soil, or concentrated in well-constructed cities, has little to dread from the importation of cholera, plague, or yellow fever. In unhealthy places, the exclusion of one form of disease is of little advantage; for other priests minister at the altars in its stead, and sacrifice the victims.

It has been remarked, that the chasm created by epidemics is speedily filled up; and that where the ordinary mortality is high, the reproductive power is exalted in the same ratio. This is, however, a poor compensation. The epidemic cholera destroyed 18,000 persons in Paris; excluding immigration for a moment, let it be admitted that in two years the births were in excess to the same extent: the population is actually the same in numbers; but the 18,000 new members are helpless infants, and must be fed by their parents or the state for many years; while of the 18,000 destroyed by cholera, 10,953 were in the prime of life, between the ages of 15 and 60 years.

Other articles of this work exhibit the present state of the empire. In them will be found described the economical and political ameliorations which have led to the mitigation of famine, and the decline of pestilence. We have not space to follow them step by step from the 17th to the 19th century; and shall only refer to one point — the

coincidence between the advancement of medical science and the improvement of the public health. Medical science was almost unknown down to the reign of Henry VIII. In the 16th century, Linacre, Caius, and other eminent scholars, translated several works from the Greek; in the 17th century, anatomy was ardently prosecuted, and the discovery of the circulation of the blood, by Harvey, led to other discoveries, which threw a new light, not only upon the processes of human life, but upon the agencies by which they are disturbed or arrested. Bathurst, Henslow, Hook, Mayow, and Boyle explained the nature of respiration to a certain extent; and directed attention to the vital influence of the atmosphere in which we breathe. With Priestley, and modern chemistry, a fresh flood of light broke in upon the subject. Sydenham and Wiseman founded a practical, experimental school of physic; new remedial agents were discovered; and towards the close of the 17th century, the mass of the population began to be attended by men who had some acquaintance with the principles of the art of healing. The excessive mortality in cities was registered; the public became aware of the causes of disease; and imperfect, but, as the event proved, not entirely ineffectual measures were taken for their gradual removal.

In this sketch we have met with nothing to substantiate the dreams of those writers who fancy that savage life, privation, and ignorance conduce to health. It is in the future, not in the past, that we look to see man attain physical perfection; exercise the faculties of his nature 70 years, live free from the pangs of disease and the terrors of pestilence, and descend at last into the grave in company with the friends of his youth.

Endemics.

The medical topography of England is yet imperfect; but the Provincial Medical Association is now diligently prosecuting this important part of medical inquiry, to which their attention was specially directed in an able paper by Dr. Conolly. The last volumes of the Transactions contain some good topographical articles; that of Dr. Forbes, on the Land's End, to which we shall again have occasion to refer, is distinguished for the comprehensiveness, candour, and good sense with which it is drawn up. From the volumes of the association before us, and other sources of information, it does not appear that at present any special endemic prevails in England. Agues are frequent in the marshy districts of the low eastern coast, in Lincoln, in Essex, in Kent, in Cambridgeshire. The mortality of the latter county, in which the agricultural is 61 per cent. of the total population, rises very high; the marshy Isle of Ely making it one of the most unhealthy counties in England. The mortality does not fall particularly on infancy, as M. Villermé inferred from Mr. Rickman's tables of mortality. The mortality at several intervals of age, calculated from the numbers living and the deaths in the marshy and other counties, may be compared in the table, p. 583.

Wen, *Derbyshire neck*, or bronchocele, exists all over England to a greater or less extent. It is not frequent, except in some of the close

valleys, surrounded by hills: from its having been common in Derbyshire, the *Derbyshire* neck designates the peculiar disease in this country. Besides the thyroid gland, this affection involves the brain and the organs of the senses; in the Valais, and both sides the Alps, bands of idiotic Cretins are seen, who almost form a distinct variety in our race. The disease has rarely been carried to this extent in England; and, in iodine, medical men have now an almost unfailing remedy for the early stages of bronchocele, as well as for scrofula.

Sporadic Diseases.

Sporadic diseases are the great class of isolated disorders, attacking, not by sudden outbreaks, but regularly and constantly, a certain proportion of the living. Inflammation of the lungs, consumption, apoplexy, cataract, are examples. No definite line separates them from epidemics and endemics. To discover their relative frequency, and the share each particular malady has in the sum of constant sickness, it is not enough to resort to the bills of mortality; for these only record fatal diseases, taking no notice of the slighter affections, which partially or entirely render a man unequal to his duties: besides, the proportion of deaths from two kinds of disease is rarely, if ever, the same as the relative frequency of the attacks. The deaths induced by consumption, by inflammation of the lungs, and by measles, furnish but indirectly an index to the numbers attacked by these maladies.

The following observations show that the rate of mortality induced by different diseases has an extensive range: —

	Cases.	Deaths.	Deaths per Cent.
Cholera (Galicia, 1831)	255774	96981	37·6
Fever	1273	143	11·2
Dysentery	3961	418	10·8
Small-pox	14804	1588	10·7
Scarlet Fever	2422	211	8·7
Hooping Cough	8007	533	6·7
Measles	14051	327	2·3

Again, in estimating the prevalence of disease, two things must be distinctly considered; the relative frequency of their attacks, and the relative proportion of sick-time they produce. The first may be determined at once, by a comparison of the number of attacks with the numbers living; the second, by enumerating several times the living and the actually sick of each disease, and thence deducing the mean proportion suffering constantly. Time is here taken into account: and the sick-time, if the attacks of two diseases be equal, will vary as their duration varies, and whatever the number of attacks may be, multiplying them by the mean duration of each disease will give the sick-time.

In Paris the mean duration of fatal cases of cholera was 2 days, 13 hours, and 8 minutes; 18,400 cases occurred which ended in death; probably an equal number recovered after being ill a week: the entire sick-time induced by cholera was, therefore, about 158,118 days, which, divided by the population (774,338), gives less than 5 hours' sickness for each person. The cholera sickness amounted

through the year to no more than ·00056 constantly sick. This distinction is of vast importance; for the constantly sick, contributing nothing to their own subsistence, and requiring the care of others, bear with a heavy weight on the community; and when the diseases are chronic, only prolonged pains and gloomy prospects brood over the sufferers. For this reason, where the conditions of existence are unfavourable, and a great proportion of the people are weak, sickly, and doomed to untimely death, a sudden epidemic cuts short their agonies, and purifies the race: it is an amputation of members already gangrened, and falling off by inches; at the same time, however, it carries off a great number of the healthy. If those who had cholera in Paris had been seized by consumption, they would have endured 73,600 years of sickness instead of 158,118 days: the living in the epidemics of the middle ages could not have watched the sick if their diseases had been protracted. In this sense only, epidemics can be looked upon as merciful visitations of Providence, for moderating evils self-inflicted on mankind. The comparative prevalence of disease, of which medical men speak in their writings, seems to involve a compound notion, including the attacks and their duration. As there are few statistical data for determining the relative prevalence of each form of disease, we have only some general remarks to offer.

Insanity has been said to be on the increase in this country. Dr. Powell, secretary to the commissioners for licensing madhouses, showed that the number of lunatics confined in private asylums in England augmented in eight quinquennial periods (1775—1814) from 1,783 to 3,647; and thence deduced the above inference. Willan, Bateman, and Burrows held an opposite opinion. Notwithstanding the returns made to the House of Commons, the data necessary to determine the prevalence of insanity are yet imperfect.

In 1833 there were 399 lunatics confined under the crown; the net incomes of 351 amounted to 269,158*l.*; the incomes of 48 had not been ascertained. The average annual income of each lunatic in the care of the Lord Keeper was 767*l.* In 1830, there were 108 licensed houses for lunatics in England and Wales; 38 in the metropolitan, 70 in the country districts; 2,343 patients in the former, 2,153 in the latter.

Pauper Lunatics and Idiots in England and Wales, from a Return made to the House of Commons, 1836.—Confined in asylums built under provisions of the 9 Geo. IV. c. 40.:—Lunatics, males 1,260; females 1,350: idiots, males 90; females 80.—Confined in private lunatic asylums: lunatics, males 659; females 744: idiots, males 35; females 53.—Under the care of parish officers:—lunatics, males 915; females 1,474: idiots, males 3,247; females 3,760.—Total lunatics 6,402; idiots 7,265; lunatics and idiots 13,667. Of paupers alone there was 1 person of unsound mind to 1,024 of the population.

In 436 unions there were 5,259 idiots (2,602 from birth); and 3,841 lunatics, of whom 2,601 were deemed incurable. Of 100, 58 were idiots (29 from birth); 42 lunatics, of whom 29 were considered curable, 13 incurable.

The average proportion of cures in asylums is 40 per cent.; the

mortality 26 out of 100 cases; the deaths per cent. per annum 9·0. The average charge of the pauper lunatics in the county asylums is 7*s.* a week. The government pays 15*s.* 4*d.* a week for 75 criminal lunatics at Bethlem! *

The insane, according to Sir A. Halliday, are more numerous in agricultural than in manufacturing districts; they are also more numerous in Scotland than in England.

	Population.	Insane.	Proportion.
12 agricultural counties . . .	2,012,979	2,526	1 to 820
12 manufacturing or mining counties . . .	4,493,194	3,910	1 — 1,200

Do these returns prove that the tendency to insanity is the greatest in agricultural districts? We do not think they do. It is doubtful whether the greater proportion of idiots, indicated by the returns, proves that proportionally more idiots are *born* in the country, in Wales, or in Scotland, than in London. The number of idiots living at any one time depends on the duration of their life, as well as on the proportion born; if the Welsh idiots lived twice as long as the idiots born in London, twice as many would enter into Sir A. Halliday's enumeration, although the tendency to idiocy was the same in both places. In Wales, and remote villages, the idiot lodges in a cottage, and, supported by the parish, is the qualified butt, and of course the favourite, of the neighbourhood: in towns, he would have more difficulty to survive the nursing in a workhouse. An idiot, Jack of Pool, in Montgomeryshire, lately died, aged 109: he lived near the residence of old Parr, and was clothed by a neighbouring lord, who secured his vote at every election. If we exclude congenital idiots, and only calculate the proportions insane, it is likely that the tendency to madness would be found greater in towns than in the country,—in England than in Wales and Scotland. If lunatics in this and other countries be now better treated than formerly,—and this is incontestibly the case,—their life is necessarily prolonged; and the proportion to the population increased, although the tendency to insanity may be diminished. The horrible dens in which lunatics were formerly lodged must have greatly diminished their numbers. The number of lunatics, members of the Society of Friends, in the Retreat, near York, has been of late years 64; the mean annual admissions 1812—33 were 15·2†; and the Quakers in England do not exceed 23,000: consequently out of 10,000 of that body, 7 become insane every year, and 28 are constantly in the asylum. But as it appears, from the report of Mr. Tuke, that more than 6 months elapse after the attack before the patient enters the asylum, while 14 per cent. quit the Retreat unrelieved, at least 6 more lunatics out of the asylum must be added to the 28 confined; which will make the insane amongst the Quakers 3·4 per 1000. Is not this a nearer ap-

* Statistics of English Lunatic Asylums. Sherwood.

† *A Treatise on Insanity*, by J. C. Prichard, p. 145. A few of the lunatics admitted at the Retreat were apparently not Quakers; but these would not compensate for cases of a mild character never sent to the asylum. See also pp. 198—201., and pp. 328—351.

proximation to the insane among the richer classes in England than the calculation of Sir A. Halliday, founded on imperfect parliamentary returns?

Consumption is a disease in which the lungs are principally affected: it begins with a change in the constitution, followed by the deposit of a cheese-like matter, forming tubercles in the lungs, and other parts, ending in ulceration: when this tuberculous matter is deposited in the glands of the neck, and in the bones and joints, it constitutes scrofula; in the glands of the abdomen, mesenteric disease; neither of which affections differs from consumption in its essential anatomical cause. Foreign writers appear to think this disease more prevalent in England than on the Continent; a prejudice probably derived from statistical reports ill understood. Dr. Young and Dr. Woolcombe calculated, from bills of mortality, that in England and Ireland consumption causes one fourth part of the deaths. Dr. Clark believes that, after deducting the deaths in early infancy, a third part of the mortality in this country arises from tuberculous diseases. It is the opinion of this eminent physician, whose opportunities of observation have been very extensive, that consumption and scrofula are stationary among the labouring classes of the country. "But," he adds, "whether tuberculous diseases have diminished or not during the last century among the labouring part of our population, I am of opinion that they have increased in the middle and upper ranks."* The number of children reared has doubled within the last century, and the mortality between 20 and 30 appears on the increase; so that, unless the hygienic precautions, very ably enforced by Dr. Clark, be followed, it is not improbable that an increase of weakly bodies and of consumption may be observed.

Stone.—Mr. Smith of Bristol, and Dr. Yellowly, have bestowed great pains in forming a statistical account of calculous diseases. According to the estimate of Dr. Yellowly, 111 persons are cut every year in England and Wales for stone in the bladder: of these, 15½ cases occur among the inhabitants of Norfolk and Suffolk, and 31 in London. This will be seen, and the proportion to the population, in the following table.†

TABLE.

Place.	Number of Stone Cases.	Cases per Annum.	Comparative Frequency.
Norfolk, including Norwich	575	10·26	1 in 34,000
Norfolk, excluding Norwich	447	7·98	1 — 38,100
Suffolk	-	5·26	1 — 44,000
London	-	31·	1 — 38,000
Adjacent counties	-	16·	1 — 76,000
England and Wales	-	111·	1 — 108,000
England and Wales, excluding Norfolk and Suffolk	-	95·5	1 — 118,000
Bristol and Liberties	173	2·1	1 — 41,000
Bristol county district	181	2·2	1 — 510,000
Scotland	-	8·	1 — 250,000
Dundee	26	·86	1 — 41,300

* *A Treatise on Pulmonary Consumption*, by J. Clark, M.D. F.R.S., p. 10.

† Remarks on the Tendency to Calculous Disorders, by J. Yellowly, M.D. The subject is difficult; but it has been skilfully handled by Mr. Smith and Dr. Yellowly, and every effort made to obtain the numbers occurring in each particular locality. —(*Trans. of Royal Society*, 1829, p. 1. 55.)

The *venereal disease* has diminished in intensity, if not in the frequency of its onsets; it is now, certainly, never communicated by the breath, as it is reported to have been in the fifteenth century. A mild treatment suffices to effect the cure of its common forms, and mercury is no longer employed to an enormous and noxious extent. Syphilis was at first confounded with leprosy; and its virulent eruptions on the skin, aggravated, like other skin diseases, by the filth and vitiated health of the people at the time it became exceedingly prevalent, have subsided into milder forms. The skin diseases, designated leprosy in the middle ages, for the reception (not the cure) of which so many hospitals were erected, survive in the itch, and a few, but not very malignant, eruptions. An able writer in the *British and Foreign Medical Review* * says, "Herpes zoster (shingles) is seldom, in truth, here thought of any importance, although the details of many continental authors abound with descriptions which plainly connect it with formidable constitutional disease. The same, and perhaps a greater degree of violence of character, will be found to prevail in cases of herpes in unhealthy localities, where the people are miserably fed and hardly worked. We see in the description of Alibert, and the author before us, as well as in many others, accounts of almost all diseases of the skin so widely different from any which are observed in the British Islands, that we doubt and occasionally deny their identity." The common acne of the chin, on a part covered with hair, becomes a frightful disease in France. Among the better classes of society in England, if we except lepra, impetigo is more frequently seen than any other skin disease. Scald head and itch are most frequent among the dirty children of paupers.†

TABLE showing the principal Diseases among the White Troops in Jamaica. ‡

	Admissions.		Deaths.	
	Total among whole force in 20 years, 1817-36.	Annual ratio per 1000 of mean strength.	Total among whole force in 20 years.	Annual ratio per 1000 of mean strength.
Fevers	46,922	910	5,253	101·9
Eruptive Fevers	10	¼		
Diseases of Lungs	4,357	84½	388	7·5
— Liver	539	10	51	1·
— Stomach and Bowels	12,282	238	260	5·1
— Brain	720	14	137	2·6
Dropsies	268	5	61	1·2
Rheumatic affections	1,479	29	5	
Venereal affections	1,021	20	1	
Ulcers and Abscesses	9,667	187	18	
Wounds and Injuries	6,164	120	21	
Punished	3,285	64		2·
Diseases of Eyes	4,644	90		
— Skin	337	6		
All other Diseases	1,760	34	59	
Total	93,455	1,812	6,254	121·3

Fatal Diseases, and the Causes of Death.

Violent death takes place in a thousand forms: but it may generally be referred to obstructed respiration, as in hanging, drowning,

* No. 3., Review of M. Rayer on Diseases of the Skin, p. 149.

† *Med. Jahrbucher, &c.*, vols. 3—10. Austria; observers — Knoltz, Nadherny, Streintz, Slawikowski.

‡ Statistical Report of the Sickness, &c., among the Troops, 1838.

suffocation; to loss of blood, as in severe wounds, hæmorrhage, rupture of vessels; to destruction of structure, and a shock, as in falls, blows on the head or spinal marrow, contusions, gunshot wounds; and to devitalisation, if the word may be used, by prussic acid, mental emotion, lightning. Death in its most common form is the effect of disease in the brain and spinal marrow, the blood, the lungs, the heart and blood-vessels, the bowels. Fever, inflammation, and various morbid products, infect the whole system, and prove fatal sometimes by the mechanical injury they do, but more frequently by an alteration of the chemical, physical, and vital processes. Persons die of inflammation in the stomach before its structure is disorganised: fever is at times fatal without producing any essential lesion of a vital part: cholera, plague, and other epidemics, extinguish existence as rapidly as poison.

In presenting a tabular view of fatal diseases, it is desirable on many accounts to arrange them in groups, related as regards their locality, and their essential forms or phenomena. To examine them in these two points of view, we have classified the several observations (1.) according to the organs or systems of organs implicated; and (2.) according to the special nature of the disease. But with the London bills of mortality a different arrangement has been pursued: without following any classification, we have placed infantile diseases, eruptive fevers, plague and fevers, diseases of the bowels, and diseases most resembling each other in their essential phenomena, in the same group. This was necessary, as the nomenclature necessarily varied in the course of two centuries, and the same disease passed under another title. The names of diseases, although derived generally from some very striking feature in the case, are not unfrequently vague and obsolete, so that it is only by a careful study of the contemporary writers that any hope of interpreting them can be entertained.

Col. A. in the annexed table is deduced from 65,706 observations made in the 7 years, 1629—1635, the first published: col. B. from 426,253 diseases recorded in the 20 years, 1660—1679, a period made the subject of Sydenham's immortal works: col. C. from 732,873 deaths occurring in the 30 years, 1728—1757: cols. D. and E. are in great part from Mr. Milne's work on Annuities: col. F. presents the results of the five last bills (1831—5), and the actual fatal diseases of London, so far as they are exhibited by the late system of registration. It is calculated on 118,895, the total deaths, exclusive of the still-born. (*See Table in next page.*)

Some of the terms in this table require explanation. The mold-shot head, or horse-shoe head, was a chronic form of water on the brain (hydrocephalus); but, under the name of dropsy or sometimes inflammation on the brain, the acute stage of this disease, before deformity supervenes, is now registered. It is really inflammation of the brain in scrofulous children. Livergrown was applied to the swelling of the abdomen, the liver, and spleen, occurring in children after intermittents.* Rickets, a form of scrofula, is now exceedingly

* Sydenham's Works, vol. i. p. 102-10.

TABLE of the Fatal Diseases of London for the last Two Centuries; showing, in 1,000 Deaths, the Proportion by each particular Disease.*

	A. 7 Years, 1629—35.	B. 29 Years, 1660—79.	C. 30 Years, 1728—57.	D. 10 Years, 1771—80.	E. 10 Years, 1801—10.	F. 5 Years, 1831—35.
Abortives and still-born	- -	26·8	23·0			
Chrisomes	247·7	36·1				
Overlaid	1·1	2·8	- -	·2		
Convulsions	22·2	77·8	277·0	271·0	- -	92·6
Worms	2·7	1·5	0·5	·3	- -	·2
Teething	49·7	54·0	50·0	36·0	- -	14·1
Inflammation of the brain	- -	- -	- -	- -	- -	5·7
Mold-shot head, dropsy on the brain	- -	0·4	4·0	1·0	- -	33·2
Rickets	1·0	17·6	2·0	·1		
Livergrown	8·5	0·9	0·2	·05		
Canker, thrush	3·3	3·4	4·3	3·8	- -	4·4
Croup	- -	- -	- -	- -	- -	5·8
Chin-cough	- † -	1·2	5·2	17·3	- -	39·5
The above infantile diseases	336·2	195·7	343·2	329·75	270·3	195·3
Small-pox	37·8	50·9	80·0	100·3	69·5	26·9
Measles	3·3	5·8	7·0	9·5	32·1	27·0
Swine-pox, chicken-pox, rash	·5	·1	1·01	·1		
St. Anthony's fire, or erysipelas	- -	0·06	0·1	·1	- -	2·9
Fever, scarlet	- -	- -	- -	- -	- -	16·7
Fever	127·1	95·9	148·3	124·1	89·9	33·8
intermittent	- -	- -	- -	- -	- -	·8
spotted	9·0	11·1				
Plague	25·0	161·7				
Griping of the guts, colic, twisting, wind	2·2	102·5	9·0	2·3	- -	0·4
Bloody flux, flux	42·5	6·7	1·4	1·0	·3	
Cholera morbus or surfeit	12·6	15·5	0·1	0·5	- -	42·3
Vomiting and looseness, diarrhœa	0·3	1·6	0·6	·3	- -	1·4
Stopping of the stomach	·3	12·6	5·0	·6		
Constipation	- -	- -	- -	- -	- -	1·0
Rupture	·6	1·3	0·7	·5	- -	1·2
Quinsey, sore throat	·8	1·5	0·7	1·0	- -	1·5
Cough and cold	5·1	- -	- -	0·2		
Pleurisy	2·8	0·7	2·0	1·0	1·3	12·1
Influenza	- -	- -	- -	- -	- -	1·2
Inflammation	- -	- -	2·0	6·2	34·5	96·0
of bowels, stomach	- -	- -	- -	- -	- -	15·2
Indigestion	- -	- -	- -	- -	- -	0·3
Disease of the heart	- -	- -	- -	- -	- -	5·4
Asthma and tissick	- -	- -	21·0	17·1	30·3	42·4
Consumption	204·1	153·4	170·0	224·3	253·5	177·2
King's evil	2·7	2·4	1·0	1·0	- -	0·9
Fistula	2·6	2·1	0·5	·2	- -	0·1
Stricture	- -	- -	- -	- -	- -	0·7
French pox	1·5	3·0	3·0	3·1	- -	0·2
Cancer	- -	- -	2·0	5·4	- -	4·4
Sores, ulcers	2·4	2·6	1·0	·8		
Mortification	- -	v. fistula.	9·0	9·9	- -	10·6
Abscess, imposthume	7·3	5·0	1·0	·2		6·6
Tumour	- -	- -	- -	·1	- -	1·2
Scald head, itch, leprosy	- ‡ -	- ‡ -	0·4	·2		
Scurvy	0·4	2·6	0·1	·2		
Gravel, stone, strangury	5·0	3·0	1·0	1·9	- -	0·9
Gout, sciatica	·3	0·6	2·0	3·1	4·5	3·1
Rheumatism	- -	- -	- -	- -	- -	1·7
Jaundice	6·5	3·7	5·0	5·8	- -	2·1
Liver disease	- -	- -	- -	- -	- -	12·8
Diabetes	- -	- -	0·06	·05	- -	0·5
Dropsy	29·7	42·6	41·0	45·1	44·5	37·6
on the chest	- -	- -	- -	- -	- -	4·0
Bleeding piles	0·4	0·1	·2	·4	- -	2·0
Apoplexy	2·5	3·7	9·0	11·1	16·6	18·5
suddenly	6·7					
Palsy, lethargy	2·8	2·0	2·3	3·7	6·5	8·6
Spleen and vapours	- -	·3	0·05			
Green sickness	- -	- -	·002			
Rising of the lights and mother	8·3	9·1	0·5	·02		
Grief	1·7	·6	0·4	·2		
Fright	·03	·1				
Falling sickness	·6	·06	·01	- -	- -	1·5
Jawfallen	1·1	·02	- -	- -	- -	·2
Spasm	- -	- -	- -	- -	- -	2·9
Blasted, planet-struck	·8	·1				
Calenture, megrims	·4	·2				

* Column C. was calculated by Mr. Corbyn Morris; it includes, as well as col. B., the still born: to compare these columns, therefore, strictly, with cols. A., D., E., F., from which the still-born were excluded, the items of col. B. must be raised 1-36th, of col. C. 1-42d. Col. E. is from Mr. Milne's work on Annuities; who, it will be perceived, did not calculate the minor items.

† Perhaps cough and cold should come in this place.

‡ Under "Various."

Table of the Fatal Diseases, &c. — *continued.*

	A. 7 Years, 1629—35.	B. 20 Years, 1660—79.	C. 30 Years, 1728—57.	D. 10 Years, 1771—80.	E. 10 Years, 1801—10	F. 5 Years, 1831—35.
Headach	-	-	0·03	·05		
Lunacy	·5	·4	3·0	2·7	-	7·6
Hydrophobia	-	-	-	·03	-	·2
Various	·4	·8	-	·02		
Old age, bedridden	74·1	47·4	78·0	64·7	81·8	111·5
Unknown causes	-	-	-	-	-	27·4
Found dead	1·9	·4	-	·3	-	·3
Visitation of God	-	-	-	-	-	1·8
Starved	-	·04	-	·2	-	·01
Killed by drinking to excess	-	-	-	·3	-	·4
Suicide	·7	·7	-	1·6	1·93	2·2
Drowned	3·8	3·3	-	5·8	6·65	5·0
Smothered	·6	·1	-	·3	-	0·04
Burned	·6	·4	-	·6		
Poisoned	·03	·1	-	·06	-	0·3
Killed	5·4	2·8	-	3·1		
Accidents	-	-	-	·3	-	7.4
Murdered	·3	·6	-	·5	-	·17
Executed	1·6	·8	-	1·1	-	·16
Total of the above casualties	14·9	9·2	16·0	14·0	17·2	17·78
Childbed and miscarriage	16·1	12·2	8·0	9·4	10·9	13·4

rare. Sydenham acutely remarks, that the true rickets rarely happen, except in those years when autumnal intermittents prevail *: livergrown and rickets, apparently confounded at first, disappeared from the bills with the reign of intermittent fevers. Croup and hooping-cough are increasing rapidly, if they were not formerly mixed up with convulsions, which took the place of the chrisomes, in expressing the undefined diseases of infancy. The common diseases of childhood are irritation of the mucous membranes, inflammation, and scrofula. † Tubercles are rare in the first year; between the fourth and the ninth year of age, M. Papavoine found tubercles in 70 per cent. of the children that died in the Hôpital des Enfans Malades in Paris. They were, doubtless, equally frequent in London.

Scarlet fever was at first confounded with measles; it was joined, in 1731, with fever, and only made a separate item in 1831. Griping, twisting of the guts, bloody flux, and plague in the guts, were the homely Saxon synonyms of dysentery. *Surfeit*, with respect to its symptoms, resembled *cholera morbus*, which, raging epidemically in August, was attributed by the vulgar to eating too much fruit. Stopping of the stomach is the iliac or cœliac passion, "which," says Sydenham, "deserves to be enumerated among the symptoms consequent upon fevers." Its great frequency (1629–79) was probably owing to contraction of the bowel after fever and dysentery. No commentator on the bills of mortality has been able to explain the great mortality attributed to *rising of the lights;* Sydenham, however, solves the question, in treating of this distemper under hysteria, which, as it simulates, was confounded in females with almost every other disease. Diseases of childbed, often accompanied with hysterical symptoms, were evidently reported under this title.‡

The preceding table, founded on the deaths, only indicates the relative mortality produced by different classes of disease. The following table expresses the liability of the living to death by all the

* Sydenham's Works, vol. i. p. 104.

† *Traité des Maladies des Enfans.* Par C. Billard.

‡ Sydenham's Works, vol. ii. pp. 103–114.

great classes of diseases during 6 periods of the last two centuries. The first and most difficult step here was to determine the absolute rate of mortality in the 6 periods. The population in the liberties of London, enumerated in 1631, was 130,178; the deaths in the liberties during the 8 years, 1628–35, were 54,299, of which 1-24th were still-born: excluding these, the annual mortality was 5 per cent. This represents the mortality of years free from pestilence, but not the absolute mortality of the period, which, for the 24 years, 1620–43, was 7 per cent. Column A. shows, therefore, the fatality of diseases in years intercurrent between epidemic years. Column B. is an approximation to the mortality and diseases of London in the middle ages, although it includes 14 years subsequent to the great fire, and to the last epidemic.* The mortality of London in the 17th century did not differ very sensibly, before the French revolution, from the mortality in the current years, 1629–35: the mean expectation of life at birth, 1728–37, was calculated by Mr. Simpson to be 19·2 years; while in the 10 years, 1771–80, it was 19·6 by Dr. Price's 16th table. Nearly 5·2 and 5·1 deaths happened annually out of 100 persons living. The mortality of London in 1801–10 had considerably diminished, and was estimated by Mr. Milne to be 1–34·19 annually — 2·92 per cent.† The annual deaths in the 18 years, 1813–30, are stated by Mr. Edmonds at 2·82 per cent.; and as the deaths reported in the bills, 1831–5, were 1-8th more than the deaths in the 5 years preceding, the mortality has been assumed to be 3·2 per cent. in this period, including an epidemic year.

III. Table showing the mean Annual Number of Deaths in London produced by 20 Classes of Disease out of 100,000 living.

By	A. 1629–35.	B. 1660–79.	C. 1728–37.	D. 1771–80.	E. 1801–10.	F. 1831–5.
Chrisomes, overlaid, convulsions, worms, teething, mold-shot head, dropsy on the head, inflammation of brain, rickets, livergrown, canker, thrush, croup, hooping-cough	1,681	1,591	1,827	1,682	789	625
Smallpox	189	417	426	502	204	83
Measles	16	47	37	48	94	86
Scarlet fever	-	-	-	-	-	53
Fever	630	785	765	621	264	111
spotted	45	90				
Plague	125	1,225				
Dysentery	221	894	50	17	1	1
Surfeit or Cholera	63	148	1	-	-	135
Inflammation	-	-	16	31	101	307
Pleurisy	14	6	10	5	4	39
Asthma and tissick	-	-	112	85	89	136
Consumption	1,021	1,255	905	1,121	716	507
King's evil, scrofula	14	19	5	5	-	5
Dropsy	146	349	218	225	131	133
Apoplexy and suddenly	47	80	48	55	49	59
Palsy and lethargy	14	17	12	18	19	28
Old age, bedridden	370	388	415	324	241	357
Casualties	65	76	85	70	40	57
Childbed and miscarriages	80	100	43	47	32	45
Unknown causes	-	-	-	-	-	88
Other diseases	253	565	211	144	146	289
Deaths in 100,000 living	5,000	8,000	5,200	5,000	2,925	3,200

* The enumeration of 1631 was published by Graunt, in the Appendix to his Observations, under the title "Anno 1631, ann. 7 Caroli I.: The Number of Men, Women, and Children, in the several Wards of London, and Liberties, taken in August, 1631, by special Command from the Right Honourable the Lords of his Majesty's Privy Council." The results agree remarkably with the later enumera-

† *Treatise on Annuities, &c.*, by Mr. Milne, vol. ii. p. 428.

REMARKS.

1. The diseases of London in the 16th century still prevail in unhealthy climates: not only the diseases and the manner of death have changed in this metropolis, but the frequency and fatality of the principal diseases have diminished.

2. The reported cases of fever, plague, cholera, and dysentery, constituted 4-10ths (·396) of the diseases: they destroyed annually, on an average, 31 per 1,000 of the inhabitants; five times as many as are now carried off by consumption.

3. *Fever, plague,* and *dysentery,* were most fatal to adults; but they of course carried off a considerable number of children. Convulsions, and other diseases of infancy, did not decline till the 18th century. The diseases of adults first diminished in violence; and as the state of the city and medical knowledge improved, the diseases of infants decreased.

4. *Small-pox* attained its maximum mortality after inoculation was introduced. The annual deaths of small-pox registered 1760–79, were 2,323; in the next 20 years, 1780–99, they declined to 1,740: this disease, therefore, began to grow less fatal before vaccination was discovered; indicating, together with the diminution of fever, the general improvement of health then taking place. In 1771–80, not less than 5 in 1,000 died annually of small-pox; in 1801–10 the mortality sank to 2; and in 1831–5 to 0·83.

5. *Measles* became gradually more general in the 18th century; but in 1801–1810, after vaccination was introduced, twice as many died of measles as had died of this exanthem in 1771–80. If scarlet fever and measles, however, have somewhat increased in frequency, the mortality of the three diseases, small-pox, measles, scarlet fever, is only half as great (·0022) as the mortality formerly occasioned by small-pox alone (·005).

6. *Fever,* exclusively of the plague, has progressively subsided: since 1771, *fever has declined nearly in the same ratio as small-pox.* In the 3 latter periods of the table the deaths from fever decreased as 621 : 264 : 114; from small-pox as 502 : 204 : 83.

7. *Cholera morbus* was as fatal in 1660–79 as in 1831–5: in 1831–5

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tions, three of which, 1801, 1811, and 1821, make the population of the liberties of London (97 parishes within, and 16 parishes without the walls,) 130,100, including a correction for seamen and strangers. Without correction, the population, in 1831, was 123,683. The enumeration of 1631 has, therefore, been made the basis of these calculations; as it is not probable the population, in the same space, ever exceeded 130,178. The deaths in the 97 + 16 parishes during 31 years, 1616–46, amounted to 279,964; which diminished $\frac{1}{27}$ for the still-born, and divided by the population (130,178) of the intermediate year, give 6·68 as the annual rate of mortality. The fire disturbed the observations in 1666, so that it was more difficult to obtain an approximation to the mortality in the 20 years, 1660–79: but the enumerated deaths in the 10 years, 1670–79, were 94,644; in the 5 years, 1660–4, 483,000; in 1665, the epidemic year, 56,558; whence 237,349 were deduced as the total deaths in the 20 years. Reduced $\frac{1}{27}$ for the still-born, the annual rate of mortality was 8·85 per cent.; but, to avoid the risk of exaggeration, the rate of this period, including the plague year, 1665, has been stated in the table at 8 per cent.

out of 1,000, but 1·35 are stated to have died of cholera; in 1660–79, the deaths from this disease were 1·48.*

8. Other *inflammations* besides inflammation of the lungs unquestionably prevailed in London before 1704, when the word found its way into the bills; but its present comparative frequency is not entirely due to a change of nomenclature. Fevers were the reigning diseases, and an impure atmosphere communicated their character to the inflammations; which are still relatively less frequent where fever and dysentery prevail. In Corfu, 1815–21, out of 325 deaths among our troops, 12 were attributed to inflammations, besides 10 to hepatitis; while 223 were ascribed to fever, plague, and dysentery. Sydenham classes pleurisy, bastard pneumonia, rheumatism, erysipelas, and quinsey, together, under the title "intercurrent fevers:" after distinguishing the idiopathic from the symptomatic disease, he says, "I conceive pleurisy to be only a fever occasioned by a peculiar *inflammation of the blood*, whereby nature throws off the peccant matter upon the pleura, and sometimes upon the lungs, whence a pneumonia arises." Fever, then, involved in its vortex the comparatively rare inflammations; inflammation (a vague term), now happening more frequently in a pure form, and proved by *post mortem* examinations to prevail very extensively, has apparently recovered, not only its rightful possessions, but several of the unappropriated, unknown diseases, particularly of children.

9. *Consumption* was exceedingly fatal when fevers and dysentery reigned: it is now very fatal among the British troops in the West Indies. Its relative frequency increased down to 1810; in other words, fever and dysentery decreased more rapidly than consumption. The actual proportion of persons destroyed by this disease, as well as other forms of scrofula (rickets and evil), has, except in the anomalous period of 1771–80, progressively declined among the mass of the population in London. If asthma and tissick be added, the declension will be little less apparent.

10. *Dropsy* has been latterly proved to depend frequently on diseases of the heart and of the kidneys: its connection with agues and dysentery, and with diseases of the liver and spleen, is confirmed by the table.

Fatal Diseases at different Ages.

The diseases proving fatal in childhood, manhood, and old age, are not the same: hence, to determine the peculiar diseases — the nature of the dangers — we have to encounter at different periods of life, becomes a most important problem. Very few statistical observations exist, in which the deaths from each disease, at different

* *Sydenham's Works*, vol. i. pp. 218.433. "Cholera comes almost as constant at the close of summer, and towards the beginning of autumn, as swallows in the beginning of spring, and cuckows towards midsummer." He closes an accurate description by remarking, that it "often destroyed the patient in 24 hours." Dr. Craigie has demonstrated the antiquity and identity of cholera all over the world; before the last eruption, it had been epidemic in India. He cites a remarkable case from Morton. *Edinburgh Journal*, 1833.

ages, are enumerated. The observations of Dr. Heysham, at Carlisle when he collected the facts on which the Carlisle table is formed; the diseases of which 4,095 persons, assured in the Equitable Office, died; the bills of mortality of the Anglo-American population in Philadelphia, — are, we believe, the only data of the kind yet published, either in Europe or America.*

Mr. Milne, in whose valuable work the Carlisle observations were published, justly remarks, that "the tables of Dr. Heysham had the advantage of being constructed by a skilful physician, capable of discriminating accurately between the different diseases; who either visited the patients himself, or had the means of procuring accurate reports from his medical friends." The arrangement of Cullen, which Dr. Heysham followed, is so artificial, as to render it very ill-suited to statistical purposes, where it is desirous to bring facts together, not only allied in one fugitive point, but in their fixed anatomical or general characters. The arrangement adopted in the following tables is two-fold: fatal diseases are (1) arranged according to the organs they affected, (2) and according to their pathological nature. The arrangement, we admit, is imperfect; but some arrangement was necessary, and this brings together many interesting features.

* In every case of death occurring in England or Wales, the sex, age, occupation, and disease are now registered, according to the provisions of the late Act for the Registration of Births and Deaths. The details of the measure admit of some improvement; when these are made, and the observations are reduced to tabular forms, they will exhibit the influence of the principal causes of sickness and death at every age, and in all the circumstances of the different localities, in the Island. They will, therefore, form important contributions to medical science; and lead, by a knowledge of the causes of sickness, to its diminution.

I. Table, which shows the Number of Deaths by each Disease, that took place in each of the under-mentioned Intervals of Age, at Carlisle, during 8 Years, commencing with 1779, and ending 1787, excepting 1780.

Diseases arranged according to their Seat.	Ages.												
	0-5	5-10	10-15	15-20	20-30	30-40	40-50	50-60	60-70	70-80	80-90	90,&c	Total.
Brain.													
Dropsy of	2	2	1	-	-	-	-	-	-	-	-	-	5
Apoplexy	-	-	-	1	-	2	5	9	11	4	-	-	32
Palsy	-	-	-	-	-	-	1	5	4	3	1	-	14
Convulsions	10	-	-	-	-	-	-	-	-	-	-	-	10
Epilepsy	-	-	-	1	1	1	-	1	-	-	-	-	4
Insanity	-	-	-	-	-	1	-	-	-	1	-	-	2
	12	2	1	2	1	4	6	15	15	8	1		67
Lungs.													
Pleurisy	3	2	1	1	-	1	2	2	5	2	-	-	19
Consumption	34	15	10	15	45	34	31	15	15	-	-	-	214
Asthma	1	-	-	-	-	-	2	9	11	4	-	-	27
Chin-cough	18	1	-	-	-	-	-	-	-	-	-	-	19
Influenza	-	-	-	-	-	-	-	-	1	-	-	-	1
	56	18	11	16	45	35	35	26	32	6			280
Blood.													
(1.) *Intestines.*													
Fever, inflammatory	3	-	-	-	1	-	-	1	-	-	-	-	5
— nervous	2	3	1	4	3	9	15	13	7	2	-	-	59
— putrid	5	4	1	2	8	5	8	4	5	1	-	-	43
— jail	4	2	1	2	-	2	3	-	-	-	-	-	14
— intermittent	-	-	-	-	-	-	-	1	-	-	-	-	1
— infantile remittent	19	8		-	-	-	-	-	-	-	-	-	27
(2.) *Skin.*													
Scarlet fever / Sore throat 3	34	4	2	1	1	-	-	-	-	-	-	-	42
Measles	28	2	1	-	-	-	-	-	-	-	-	-	31
Smallpox	225	8	2	-	3	-	-	-	-	-	-	-	238
Aphthæ	63	2	-	-	-	-	-	-	-	-	-	-	65
Miliary fever	-	-	-	-	1	-	-	-	-	-	-	-	1
	383	33	8	9	47	16	26	19	12	3			526
Heart.													
Painting	-	1	-	1	-	1	2	1	-	1	-	-	6
Organs of Digestion.													
Mouth.													
Teething	3	-	-	-	-	-	-	-	-	-	-	-	3
Stomach.													
Indigestion	-	-	-	-	-	1	6	5	8	1	-	-	21
Inflammation / Tumour 1	-	-	-	1	-	-	-	1	-	-	-	-	2
Intestines.													
Diarrhœa	7	1	1	1	-		2	2	1	2	-	-	18
Costiveness / Colic 1	1	-	-	-	1	-	-	-	-	-	-	-	2
Rupture	-	-	-	1	-	-	-	-	-	-	-	-	1
Liver.													
Jaundice	3	-	-	-	1	-	5	2	-	2	-	-	13
Abscess	-	-	-	-	-	-	1	-	-	-	-	-	1
	14	1	1	3	2	2	14	10	9	5	-	-	61
Urinary Organs.													
Diabetes	-	-	-	-	-	1	-	-	-	-	-	-	1
Stone and gravel	-	-	-	-	1	-	1	-	6	1	-	-	9
Suppression of urine	-	-	-	-	-	-	-	-	1	-	-	-	1
					1	1	1		7	1			11
Organs of Generation.													
Venereal disease	-	-	-	-	1	-	1	-	-	-	-	-	2
Uterus.													
Amenorrhœa	-	-	-	-	-	1	-	-	-	-	-	-	1
Menorrhagia lochialis	-	-	-	-	-	-	3	-	-	-	-	-	3
Difficult delivery	-	-	-	-	4	4	1	-	-	-	-	-	9
					5	5	5						15
SUMMARY.													
Organs of generation	-	-	-	-	5	5	5	-	-	-	-	-	15
Urinary organs	-	-	-	-	1	1	1	-	7	1	-	-	11
Organs of digestion	14	1	1	3	2	2	14	10	9	5	-	-	61
Heart	-	1	-	-	1	2	1	-	1	-	-	-	6
Blood	383	33	8	9	17	16	26	19	12	3	-	-	526
Lungs	56	18	11	16	45	35	35	26	32	6	-	-	280
Brain and spinal marrow	12	2	1	2	1	4	6	15	15	8	1	-	67
* Diseases of different organs	466	52	21	30	72	65	88	70	76	23	1	-	966
* Of uncertain seat	243	20	9	8	7	16	20	24	76	111	88	27	649
Total	709	74	30	38	79	81	108	94	152	134	89	27	1,615

* Mortifications 3, rheumatism 6, gout 4, weakness of infancy 204, decay of age 226, dropsy 49, scrofula 3, cancer 5, unknown diseases 115, accidents 29, green sickness 1, discharge of blood 1, ulcer 3 = 649. All these diseases, except the two last, are classified in Table II.

II. Fatal Diseases observed in Carlisle, from 1779 to 1787, and registered by Dr. Heysham; arranged in Groups according to their Nature.

Diseases.	Ages.								
	0-5.	5-10.	10-20.	0-20.	20-40.	40-60.	60-80.	80-105.	Total.
Living	1,096	967	1,481	3,544	2,39	1,540	669	74	8,177
INFLAMMATIONS.									
Pleurisy and pneumonia	3	2	2	7	1	4	7	-	19
Inflammation of stomach	-	-	1	1	-	-	-	-	1
Diarrhœa	7	1	2	10	1	4	3	-	18
Abscess of the liver	-	-	-	-	-	1	-	-	1
Ulcer 3, and Mortification	-	-	-	-	-	2	3	1	6
Rheumatism	-	-	-	-	-	1	5	-	6
Gout	-	-	-	-	-	3	1		4
FEVERS.									
Inflammatory (synocha)	3	-	-	3	1	1	-	-	5
Typhus { nervous 59, putrid 43, jail 14 }	11	9	11	31	27	43	15	-	116
Infantile remittent, Intermittent 1	19	8	-	27	-	1	-	-	28
Scarlet fever, Sore throat 3	34	4	3	41	1	-	-	-	42
Measles	28	2	1	31	-	-	-	-	31
Smallpox	225	8	2	235	3	-	-	-	238
Miliary fever	-	-	-	-	1	-	-	-	1
Aphthæ (thrush)	63	2	-	65	-	-	-	-	65
SEROUS EFFUSIONS.									
Anasarca and ascites	1	1	5	7	8	12	19	3	49
Hydrocephalus	2	2	1	5	-	-	-	-	5
Consumption and Scrofula 3	34	17	25	76	79	47	15	-	217
Cancer, Tumour of the stomach 1 (scirrhus)	-	-	-	-	-	2	4	-	6
Stone and gravel	-	-	-	-	1	1	7	-	9
FRAGILITY OF BLOOD-VESSELS.									
Apoplexy	-	-	1	1	2	14	15	-	32
Palsy	-	-	-	-	-	6	7	1	14
WANT OF VITAL POWER.									
Weakness of infancy	204	-	-	204	-	-	-	-	204
Decay of age	-	-	-	-	-	-	116	110	216
EXTERNAL VIOLENCE.									
Accidents	7	5	6	18	7	3	1	-	29
Unknown diseases	32	11	5	48	10	18	38	1	115
SUMMARY.									
Inflammations	10	3	5	18	2	11	13	1	45
Dropsies	3	3	6	12	8	12	19	3	54
Fevers	33	17	11	61	28	45	15	-	149
Exanthemata	350	16	6	372	5	-	-	-	377
Consumption and scrofula	34	17	25	76	79	47	15	-	217
Cancer	-	-	-	-	-	2	4	-	6
Stone and gravel	-	-	-	-	1	1	7	-	9
Gout and rheumatism	-	-	-	-	-	4	6	-	10
Apoplexy, palsy	-	-	1	1	2	20	22	1	46
Feeble vitality	204	-	-	204	-	-	116	110	430
Unknown diseases	32	11	5	48	10	18	38	1	115
Accidents	7	5	6	18	7	3	1	-	29
Classified diseases	673	72	65	810	142	163	256	116	1,487
Diseases not classified*	36	2	3	41	18	39	30	-	128
Total	709	74	68	851	160	202	286	116	1,615

* Convulsions 10, epilepsy 4, insanity 2, asthma 27, chin-cough 19, influenza 1, fainting 6, teething 3, indigestion 12, colic 1, costiveness 1, rupture 1, jaundice 13, venereal disease 2, amenorrhœa 1, difficult delivery 9, menorrhagia lochialis 3, diabetes 1, suppression of urine 1.—These will all be found in Table I.—Green sickness 1, age 15-20; and discharge of blood 1, age 40-50; are in neither.

The assurance offices obtain from the medical attendant a certificate of the disorder of which every person assured has died: the Tables III. and V. have been arranged from a recent publication of the Equitable Society, detailing the diseases fatal to 4,095 individuals during the 32 years, 1801–1832.

III. TABLE of 4,095 Fatal Diseases happening among Persons assured by the Equitable Society, arranged according to the Parts affected.

Diseases.	Ages.								
	10-20.	20-30.	30-40.	40-50.	50-60.	60-70.	70-80.	80, &c.	Total.
I. *Brain and Spinal Marrow.*									
Inflammation of the brain	1	4	15	16	13	12	2	1	64
Water on brain	-	-	1	3	4	1	-	-	9
Convulsion fits	-	-	-	4	1	3	-	-	8
Epilepsy	-	1	2	8	2	2	4	1	18
Suicide	-	1	2	6	15	5	-	1	30
Apoplexy	1	4	25	56	129	169	86	16	486
Palsy	-	1	5	15	47	84	74	9	235
	2	11	50	108	211	276	166	26	850
II. *Respiratory Organs.*									
Quinsey	-	-	-	1	1	1	-	-	3
Inflammation of the lungs	-	2	12	12	41	56	45	17	185
chest	1	1	1	8	11	21	12	4	59
Pleuritis	-	-	-	1	1	2	-	-	4
Dropsy of the chest	-	1	3	23	52	59	42	3	183
Consumption	4	23	65	83	81	66	18	1	339
Asthma	-	-	-	2	20	26	22	4	74
	5	27	79	130	207	231	139	29	847
III. *Organs of Circulation.*									
Aneurism	-	-	1	2	-	-	1	-	4
Angina pectoris	-	-	8	16	45	47	26	3	145
Rupture of a blood-vessel	1	-	12	19	19	22	9	-	82
	1	-	21	37	64	69	36	3	231
IV. *Organs of Digestion.*									
Inflammation of bowels	2	2	14	20	26	44	16	2	126
Disease of stomach and digestive organs	-	2	9	12	28	31	22	2	106
liver	-	2	8	37	54	49	23	2	175
Dysentery	-	-	1	3	5	11	11	3	34
	2	6	32	72	113	135	72	9	441
BLOOD.									
V *Skin and Intestinal Tube.*									
Cholera	-	-	2	5	5	9	5	1	27
Fevers	-	14	47	88	97	99	48	8	401
Small-pox	-	-	-	-	-	-	-	1	1
Erysipelas	-	1	2	7	6	7	3	-	26
	-	15	51	100	108	115	56	10	455
VI. *Genital and Urinary Organs.*									
Diabetes	-	-	-	3	2	1	1	1	8
Stone	-	-	-	-	1	2	7	2	12
Disease of the bladder and urinary passages	-	-	3	9	25	44	41	6	128
Childbirth	-	-	2	2	-	-	-	-	4
	-	-	5	14	28	47	49	9	152
VII. *Of uncertain Seat.*									
Gout	-	-	2	6	8	14	7	1	38
Mortification	-	-	-	2	12	14	12	6	46
Cancer	-	-	2	5	14	15	4	3	43
Atrophy	-	-	4	7	11	15	6	-	43
Decay (natural) and old age	-	-	-	-	10	128	241	187	566
Dropsy	1	-	10	39	67	83	50	7	257
	1	-	18	59	122	269	320	204	993
Disorders not properly defined	-	-	9	11	20	27	12	-	79
VIII. *External Violence.*									
Murdered	-	-	-	1	1	-	1	-	3
Slain in war	1	1	1	1	-	-	-	-	4
Accidents	-	7	-	11	9	4	5	4	40
	1	8	1	13	10	4	6	4	47

IV. TABLE, showing the Annual Proportion of Deaths out of 10,000 living, at all Ages, produced by Diseases of different Organs, in Carlisle.

Organs affected.	0-20.	20-40.	40-60.	60-80.	80-105.	0-105.	20-105.
Brain	6	3	17	43	17	10	14
Heart	0·3	2	1	2	-	1	1
Lungs	36	45	48	72	-	43	48
Organs of digestion	7	2	19	26	-	9	11
generation	-	6	4	-	-	2	4
Urinary organs	-	1	1	15	-	3	3
Blood { Skin	134	16	-	-	-	45	25
Blood { Intestines	22	3	35	28	-	36	
Diseases of uncertain seat	101	13	34	353	1,922	101	100
All diseases	306·3	91	159	539	1,939	250	206

V. Table of 4,095 Fatal Diseases happening among Persons assured by the Equitable Society, arranged according to their Nature.

Diseases.	10—20.	20—30.	30—40.	40—50.	50—60	60—70.	70—80.	80.	At all Ages.
Inflammations.									
Inflammation of the bowels	2	2	14	20	26	44	16	2	126
lungs	-	2	12	12	41	56	45	17	185
brain	1	4	15	16	13	12	2	1	64
lungs and chest	1	1	1	8	11	21	12	4	59
Pleurisy	-	-	-	1	1	2	-	-	4
Mortification	-	-	-	2	12	14	12	6	46
Quinsey	-	-	-	1	1	1	-	-	3
	4	9	42	60	105	150	87	30	487
Fevers.									
Fevers, general	-	5	30	55	61	70	31	7	262
bilious	-	1	5	10	10	8	2	1	37
nervous	-	3	3	13	9	9	5	-	42
inflammatory	-	3	2	6	10	5	6	-	32
putrid	-	2	7	4	7	7	1	-	28
Cholera	-	-	2	5	5	9	5	1	27
Dysentery	-	-	1	3	5	11	11	3	34
Smallpox	-	-	-	-	-	-	-	1	1
Erysipelas	-	1	2	7	6	7	3	-	26
	-	16	52	103	113	126	67	13	489
Serous Effusions.									
Dropsy	1	-	10	39	67	83	50	7	257
on the chest	-	1	3	23	52	59	42	3	183
Water on the brain	-	-	1	3	4	1	-	-	9
	1	1	14	65	123	143	92	10	449
Consumption	4	23	63	83	81	66	18	1	339
Cancer	-	-	2	5	14	15	4	3	43
Stone	-	-	-	-	1	2	7	2	12
Gout	-	-	2	6	8	14	7	1	38
Fragility of the Vascular System.									
Aneurism	-	-	1	2	-	-	1	-	4
Rupture of a blood-vessel	1	-	12	19	19	22	9	-	82
Apoplexy	1	4	25	56	129	169	86	16	486
Palsy	-	1	5	15	47	84	74	9	235
	2	5	43	92	195	275	170	25	807

VI. Equitable Society.—Deaths out of 10,000 constantly living, at Four Periods of Life; distributed in Groups of fatal Diseases, (I.) according to the Nature, (II.) and Seat.

No. of Observations.		20—40.	40—60.	60—80.	80—110.	20—110.
	I. Diseases grouped according to their nature.					
27	Exanthemata (small-pox 1, erysipelas 26)	1	1·4	3	7	1
401	Fevers	17	21	39	53	20
61	Cholera and dysentery	1	2	10	26	3
47	Mechanical injuries	2	3	3	26	2
487	Inflammations	14	18	63	198	25
449	Dropsies	4	21	62	66	22
339	Consumption	24	18	22	7	17
12	Stone	-	0·1	2	14	1
38	Gout	0·5	1·5	6	7	2
43	Cancer	0·5	2	5	21	2
807	Fragility of the vascular system, aneurism 4, rupture of blood-vessel 82, apoplexy, palsy	13	32	118	165	41
43	Atrophy	1	2	6	-	2
566	Feeble vitality (decay, natural, and old age)	-	1	98	1,230	28
79	Diseases not properly defined	2	4	10	-	4
696*	Diseases not classed	11	32	92	119	36
4,095		91	159	539	1,939	206
	II. Diseases grouped according to their seat.					
850	Brain	17	36	117	170	43
847	Organs of respiration	29	38	98	191	43
231	circulation	6	11	28	20	11·5
407	digestion	10	20	49	40	21
4	generation (child-birth)	0·5	0·2	-	-	0·2
148	Urinary organs	1	4	25	59	7
489	Blood { Skin	1	1·4	3	7	1
	Blood { Intestines	18	23	49	79	23
79	Not properly defined	2	3	10	-	4
993†	Of uncertain seat	5	20	157	1,316	50
47	External violence	2	3	3	26	2·5
4,095		91·5	159·6	539	1,930	206·2

* Convulsion fits 8, epilepsy 19, suicide 29, asthma 74, angina pectoris 145, disease of the stomach and digestive organs 106, disease of liver 175, diabetes 8, bladder and disease of 128, child-birth 4=696. All these diseases are included in the section following.

† Gout 38, mortification 46, cancer 43, atrophy 43, decay natural 566, dropsy 257.

VII. TABLE, showing the Annual Deaths by 10 Classes of Disease, out of 10,000 living at each Age, deduced from Dr. Heysham's Observations.

Diseases.	0—20	20—40.	40—60	60—80.	80—105.	All Ages.	20—105.
Eruptive fevers*	134	16	- -	- -	- -	45	1
Fevers	22	3	35	28	- -	36	24
Accidents	7	4	2	2	- -	4	3
Inflammations	7	1	9	25	17	7	7
Dropsies	4·5	5	9	36	50	8	11
Consumption	27	45	37	28	- -	34	38
Cancer	- -	- -	2	7	- -	1	2
Stone and gravel	- -	6	1	13	- -	1	2
Gout	- -	- -	3	11	- -	2	3
Apoplexy and palsy	0·3	1	16	41	17	7	12
Feeble vitality	73	- -	- -	219	1,838	67	61
Diseases unknown	17	6	14	72	17	18	18
Diseases not classed	15	10	31	57	- -	20	24
	307·3	91	159	539	1,939	250	206

* Of the 134 deaths by eruptive fevers between the ages 0—20, 20—40, the deaths by small-pox were 84 and 1.

REMARKS.

1. Tables IV., VI., and VII. have been deduced from the four other tables; the absolute mortality was derived, in the same manner as the Carlisle table, from two enumerations of the living at different ages, and the deaths registered during 9 years (1779–1787) by Dr. Heysham; the deaths from each class of disease were ascertained by simple proportion. The rate of mortality amongst persons assured by the Equitable Society agrees nearly with that of Carlisle; so the same absolute mortality was applied to Table VI. as to Tables IV. and VII. The mortality of the class of persons from whom the assured were selected was certainly higher. The observations made in Philadelphia, to which we shall refer, were for the 2 years 1833–1835; the total deaths amounted to 10,106, and were published in annual bills by the Board of Health. The mortality in the 3 years, 1833–35, was 2·4 per cent.; the deaths in 5 years out of 100 born, 31·3.

2. Of a thousand persons living at Carlisle, *fever* annually destroyed 3·6; *small-pox*, 2·8; the entire class of *eruptive fevers*, 4·5; fever and eruptive fevers, 8·1. The two groups constituted 32·4 per cent. of the fatal diseases; in Philadelphia they amount only to 14, in London to 10·7 per cent.

3. The *eruptive fevers* at Carlisle and at Philadelphia were most fatal under the age of 20; but this does not justify the current belief of medical men, that children are more susceptible of those diseases which affect the organisation only once than adults. Admit that of 100 children born, 50 have small small-pox before the age of 10, 26 between the ages 10–20, 14 between 20–30, &c.; is it not evident in this case, that although the absolute number diminishes, the relative number attacked of those who have never had small-pox increases? One who has lived 30 years in the world without an attack of measles is, perhaps, protected by some idiosyncrasy; but, *cæteris paribus*, is not a person aged 30 as liable to an attack of measles as a child? Would not small-pox, introduced into a country where it had never been before, attack persons of all ages indiscriminately?

4. Of 1,615 deaths, Dr. Heysham ascribed only 20 to *inflammation*, and not one to an affection of the heart or large blood-vessels. This shows not so clearly that these diseases were uncommon, as that great

ignorance of morbid anatomy prevailed among the most accomplished physicians at the close of the last century. In Philadelphia 14·4, in London, 10·8 per cent. of the deaths are attributed to inflammation: after the age of 20, in the Equitable Society 12 per cent., in Philadelphia 14 per cent. of the fatal cases were inflammations.

5. *Consumption and Scrofula* at Carlisle and Philadelphia destroyed annually 3·4 per 1,000 of the inhabitants; and 3·8 per 1,000 of the persons aged 20 and upwards. One seventh part of the deaths were, consequently, from consumption; and above the age of 20, one fifth.

6. The violence of disease, Hippocrates somewhere says, is in proportion to the strength of the patient; and morbid anatomy proves that where there is great debility from age, or any other cause, inflammation runs through its course without manifesting distinctly its characteristic symptoms. The great number of deaths ascribed to natural decay, old age, and to weakness, are for this reason improperly considered examples of death without disease; although death sometimes does happen without any apparent organic cause.

7. What is the effect of the selection exercised by the assurance companies? What class of diseases does it exclude? In the first place, the eruptive fevers. Among 4,095 deaths in the Equitable Society, only 1 was of small-pox. The deaths from consumption, instead of making 20, only amounted to 8·3 per cent. of the deaths, or 10·3 if those who died of ruptured blood-vessel be added. But by way of compensation, the deaths from dropsy are 22; from apoplexy and palsy 37 per 1,000; instead of 11, 12, and 11, 10·6, the proportions dying of these two classes of disease in Carlisle and Philadelphia. The advantage to the assurance offices of applying tables founded on a city population in the last century, and *including all the sick*, to a class of persons in good health, and little liable to the eruptive fevers or consumption, is obvious. With some study, the selection of long-lived or short-lived persons may be carried to a still greater extent.

8. In proportion as a population becomes civilised, and as its physical condition and mental life are ameliorated, the deaths from apoplexy appear to increase; while the fevers and plagues of the state of barbarism decrease in a much more rapid ratio. The persons assured by the Equitable Society represent the more intellectual order of people in this country; apoplexy is frequent among them; the numerous dropsies and inflammations mark their gastronomic excesses; the mortality from fever and erysipelas proves that they dwell in ill-ventilated houses, and crowded cities, with bad sewers.

9. Life, divided into 5 vicennial periods, is most secure in the second; the fatality of nearly all diseases increases afterwards in a geometrical progression. The observations in Philadelphia show that consumption is not an exception to this law.

10. One of the most important results presented in this paper is, that the character of diseases changes in a determined ratio at different periods of existence. The tables indicate not only the degree, but the kind of danger, we have to encounter at all ages: for example, in the second vicennial period (20-40), the deaths from consumption at Carlisle constituted 50, at Philadelphia 34, in the Equitable Society 26 per cent. of the deaths from all causes*; in the third vicennium

the nature of the danger has altered, for the deaths from consumption contribute but 23, 28, or 11 per cent. to the entire mortality. From tables of this description, the probability of death from each class of diseases can be calculated at all ages. We will add one instance of their practical application. In the first period of life (0-20) the eruptive fevers, inflammations, scrofulous and dropsical effusions, are most to be dreaded; in Philadelphia two-fifths of the deaths were from affections of the brain and bowels. Who, with these facts before him, can fail to see the impropriety of giving children preparations of laudanum, spirits, or any food at first but the mother's bland milk? Cold often produces inflammation of the lungs in winter; but too much tenderness in this respect, and the accustoming of boys to a delicate diet, weaken the constitution. Between 20 and 40, *consumption*, inflammations, fevers, and epidemics, are the most deadly shafts of death, which, as Dr. Clark has shown, a judicious course of hygiene in this period may do much to disarm. The same class of diseases maintains the preponderance till 60; but, in the period following (60-80) *dropsies* and inflammations increase, while apoplexy gains a great ascendancy. After 65 a man should undertake nothing requiring great intellectual exertion, or sustained energy: warmth, temperance, tranquillity, may prolong his years to the close of a century; a rude breath of the atmosphere, a violent struggle, or a shock, will terminate his existence. The apoplexy of the aged can, with care, be averted for several years; but it is, perhaps, the natural death, the enthanasia of the intellectual: their blood remains pure, the solids firm to the last, when a fragile artery gives way within the head,—the blood escapes, and by a gentle pressure dissolves sensibility at its source for ever. The life is no longer there,—the corporeal elements are given back to the universe!

Suggestions as to the Means of promoting Public Health in Great Britain.

1. If governments can do little by *direct* enactments for the diminution of sickness, it is, nevertheless, their duty to determine, by statistical enumerations, the actual state of health, and the extent to which it is deteriorated in different circumstances. Returns of the diseases and deaths in the army, the navy, and all bodies of men employed in the public service, should be made annually; and this, with the results of the general registration, would improve public health, by showing so distinctly the connection between diseases and their natural causes, that men would either avoid or obviate the evils destructive of health by some invention.

2. Almost all classes of the people of this country are profoundly ignorant of the physiological laws which regulate their own existence; health may consequently be improved by making a knowledge of the nature of the human organisation, and of the external agents by

* Dr. Clark had this period, probably, in view when he estimated the proportion of deaths from tuberculous diseases, after excluding the deaths in infancy, at a third part of the total mortality in this country.

which it is influenced, an elementary part of national education. The physical sciences are not, as Count Rumford maintained, the sole sources of human improvement; but without their aid no solid advances can be made in civilisation. For this reason, the works and inventions of Rumford and Arnott will contribute more to the progress of society than many treatises written *ex professo* on the subject.

3. It has been shown, that external agents have as great an influence on the frequency of sickness as on its fatality; the obvious corollary is, that man has as much power to prevent as to cure disease. That prevention is better than cure, is a proverb; that it is as easy, the facts we have advanced establish. Yet medical men, the guardians of public health, never have their attention called to the prevention of sickness; it forms no part of their education. To promote health is apparently contrary to their interests: the public do not seek the shield of medical art against disease, nor call the surgeon, till the arrows of death already rankle in the veins. This may be corrected by modifying the present system of medical education, and the manner of remunerating medical men.

4. Public health may be promoted by placing the medical institutions of the country on a liberal scientific basis; by the medical societies co-operating to collect statistical observations; and by medical writers renouncing the notion that a science can be founded upon the limited experience of an individual. Practical medicine cannot be taught by books; the science of medicine cannot be acquired in the sick-room. The healing art may likewise be promoted by encouraging post-mortem examinations of diseased parts; without which it is impossible to keep up in the body of the medical profession a clear knowledge of the internal changes indicated by symptoms during life. The practitioner who never opens a dead body must commit innumerable, and sometimes fatal errors.

5. It has been proved that, in the present state of things, the mortality is greatly augmented wherever large masses of the people are brought together: it will be the duty of the government, the municipal corporations, and all classes of citizens, to render the towns of this country, and every establishment where large numbers are collected together, perfectly adapted to the wants of the human organisation, and compatible with the full enjoyment of health.

CHAPTER V.—Provision for the Poor.

Sect. I. *Poor Laws of England and Wales.*

The Poor Laws of England, like the analogous institutions of other countries, have a double object. That most apparent and immediate is the relief of such suffering as arises from the mere destitution of individuals found in the community; the other, which in all societies much advanced in their political condition is the final object of the institution, is the repression of vagrancy and mendicancy, with their constant attendants, idleness, imposture, and vagrancy, by depriving every person of the pretext for begging or plunder which a state of absolute destitution affords. The first is wholly a moral end, and regards only the distress of the individual; the second has in view the proper purpose of all political institutions, the general welfare and security of the community.

I. *Of the Relief of the Poor generally.*

The means resorted to in different states for the attainment of either or both of these ends are various; but, as might be expected, when the higher and more political end is kept in view, more systematic methods are adopted for its attainment.* There is, perhaps, no political society, at least none has been found, in which the relief of the destitute is left entirely to the charity of the more opulent. The most common and simple of the inducements brought in aid of that feeling, is that which results from the almost constant association of the practice of *alms-giving* with the observances of the popular religion. Accordingly every religion, of which we have any authentic account, adopts for its chief practical and social virtue charity; or, as it is almost invariably understood, the practice of alms-giving. Whenever the state has not undertaken the collection and control of the alms of the community, the ministers of religion are, either by direct institution or by general consent, the collectors and distributors of the charities of the laity. This is the state of things in the greater portion of Catholic Europe, in the colonies of America founded by Spain and Portugal, and throughout Asia, where benevolent institutions are not confined in their objects to the alleviation of the sufferings of the human race; but opulent foundations exist for the support of such animals as the people have a traditional veneration for, or as have used their energies in the service of man.

* For a minute description of the institutions existing in various countries of Europe and America for the relief of the poor, see Appendix (F.) to the Report of the Commissioners appointed to inquire into the operation of the Poor Laws; or the admirable abstract of the matter, and comments on it, contained in the Preface to the Appendix, by Mr. Senior, and republished separately in a small octavo volume.

Where the practice of alms-giving is generally inculcated as a virtue, it is often made a substitute for other virtues, and even a means of atonement for great crimes; and they who during their lives have neither practised this nor any other acts in good repute, are encouraged to believe that their defaults may be cured by a posthumous application of their wealth to the use of the poor. A large proportion of the charitable institutions of every country has been founded and endowed by persons who thereby hoped to atone for a life of avarice and extortion. These causes concurring with the natural impulses of mankind to relieve the distresses of their fellows, have in many countries, as formerly in England, and still in the Spanish peninsula, placed enormous funds at the disposal of the ministers of religion. It is universally testified by historians and travellers, that where this state of things exists, the dispensers of relief being free from accountability or responsibility, are as much the victims of the temptation to make a fraudulent use of the funds at their disposal, as the recipients are of the inducements which the system affords to idleness and imposture.

The evils obviously incidental to this mode of dispensing relief has, in many countries, led to the second modification of the machinery by which the charities of the community are administered. In this stage, the state, although it does not guarantee relief as a right, nor charge itself with the providing of funds for the purpose, takes upon itself the regulation, by means of properly constituted executive officers, of the funds arising from the *voluntary contributions, legacies, and bequests* of private individuals; and defines the classes of persons who are to receive a share of such funds, and the conditions on which they are to be entitled to it.

This state of things prevails generally in those states of Europe where the reformed religion has displaced the Roman Catholic as the state religion, and where, consequently, the public endowments for charitable purposes, like other secular matters previously controlled by the Catholic priesthood, became almost necessarily a subject for the interference of the state. The Foreign Communications, in Appendix (F.) to the Report of the Commissioners appointed to inquire into the administration of the Poor Laws in England and Wales, represent this modification of the institutions for charitable purposes as existing in the Hanseatic Towns, Holland, France, Belgium, Portugal, the Sardinian States, Franckfort, and Venice; and doubtless it exists in many other states, of which no account is given in that collection of documents.

The third modification of these institutions is that in which the state recognises *the right of every individual, in a destitute condition, to be relieved* at the expense of the community; and provides for such relief by a compulsory tax on its subjects. This will be recognised as the character of the system which prevails in England, where it has been established for nearly three centuries. In America it has prevailed from the first establishment of the English colonies there. In the United States each state has its peculiar regulations, but all of English origin adopt the general principle. In the few countries of Europe where it is admitted, this extension of the principle is, with slight exceptions, of comparatively recent adoption. In Denmark, which

has a very systematic code of poor laws, and in several other states, it dates from the end of the last or the commencement of the present century. The other countries, of which an account is to be found in the Appendix to the Report of the Commissioners, in which the right to relief at the charge of the community is recognised by the law, are Norway, Sweden, Russia, Mecklenberg, Prussia, Wurtemberg, Bavaria, and the Canton of Berne; and it is probable that there are some others, from which accounts could not be procured by the Commissioners.

This last form of public charity usually coexists simultaneously with that previously described, as the regulations for the administration of the public charities are invariably found to be applicable to funds derived from private sources, and destined to the same ends. Thus in Norway and in Denmark the yearly proceeds of legacies and bequests for the benefit of the poor, are applied indiscriminately with the funds derived from the taxes. In Wurtemberg, it is stated that "a large proportion of their parishes appears to possess a fund called *pium corpus*, arising partly from voluntary contributions, and other casual receipts, but principally from funds which, previously to the Reformation, had been employed for the purposes of the Roman Catholic worship, and, instead of being confiscated by the government, as was the case in England, were directed to be applied for charitable purposes." "Many of them also have alms-houses, or, as they are called in the Reports, hospitals for the residence of the poor, and other endowments for their use; and almost all possess an estate called an allemand, which is the joint property of the persons for the time being having *bürgerrecht*, or the right of citizenship in the parish, and is, together with the *pium corpus* and endowments, the primary fund for the relief of the poor."—(*Senior's Statement of the Provision for the Poor*, p. 54.) In Bavaria "the yearly produce of all charities belongs to the poor institutions, and is used for these purposes;" as do "the legacies for the poor, when, by the will of the people, they are to be laid out in a regular yearly income, and the fourth part of such legacies as are destined in general for pious purposes." The voluntary donations applicable to the fund "consist of casual gifts in money and food, which have been given by philanthropic persons of their own accord for the use of the poor institution, and in this manner are applied for their daily use."—*Lord Erskine's Report of the Poor Laws in Bavaria*, Appendix (F.)

Mr. Senior's *Statement of the Provisions for the Poor, and of the Condition of the Labouring Classes in a considerable Portion of America and Europe*, contains, in a compendious form, invaluable details on the mode of administration of those respective kinds of relief, and of the social results derived from them; and the account is the more interesting, because, with all the varieties in practice, those results have, in every case, corresponded with the results of similar institutions in England; for in England, at different periods, the provision for the destitute has been of each of the three kinds before described; and the preambles to the enactments of the legislature, and other contemporary accounts, show the nature of the evils prevailing in

connection with the modes of administering charity at each epoch when a change in the institutions was effected.

II. *History of English Poor Laws.*

The recent changes in the Poor Laws, are changes rather in the machinery by which they are to be administered, than changes in the body of the law itself. Besides the 4 & 5 Will. IV. c. 76. (The Poor Law Amendment Act), which repealed a considerable portion of the statutes previously existing, there are still in full force 118 statutes, extending from the reign of Elizabeth to the present time, and occupying a very closely printed 8vo volume of 454 pages, all of which relate exclusively to the administration of relief to the poor; and there are still many others which relate only partially or incidentally to that object. The body of law known as the Poor Laws consists besides of a vast mass of decisions of the courts of law, a selection of which made by Bott, with additions and an Appendix by Mr. Tidd Pratt, although by no means complete, occupies three considerable 8vo. volumes.

These statutes and decisions were made at various periods, under widely different circumstances, and during the prevalence of opinions and feelings the most dissimilar; and they consequently contain a multitude of provisions differing wholly in their objects and tendency, and which can be brought to no consistency amongst themselves by any mere statement of their nature and effect, although they may be adequately explained by a description of the circumstances in which they respectively originated. A history of the Poor Laws, however summary, is therefore indispensable for the right understanding of their present and actual effect. The following statement of the objects and purport of the statutes previous to that of the 43 Eliz. is for the most part taken from the analysis printed in the Report of the Poor Law Commissioners in 1834.

First Epoch. — Restraint of Vagrancy.

The sole object of our legislation on this matter, from its very commencement down to the time of Henry the Eighth, and of the suppression of the religious houses, was the *restraint of vagrancy and mendicancy.* And with this object every destitute person was compelled to confine himself to certain defined localities. This restriction is the origin of our *law of settlement,* which was substantially created by the statutes passed within that period, although it has been modified in many particulars since, and has at length so completely changed its character of *a restraint* as to have become the foundation of the *title to relief* in any particular place.

The 12 Rich. 2. c. 7. (enacted in the year 1388) prohibits any labourer from departing from the hundred, rape, wapentake, city, or borough where he is dwelling, without a testimonial, showing reasonable cause for his going, to be issued under the authority of the justices of the peace. Any labourer found wandering without such letter, is to be put in the stocks till he find surety to return to the

town from which he came. Impotent persons are to remain in the towns in which they be dwelling at the time of the act; or, if the inhabitants are unable or unwilling to support them, they are to withdraw to other towns within the hundred, rape, or wapentake, or to the towns where they were born, and there abide during their lives.

The 11 Hen. 7. c. 2. (1495) requires beggars not able to work to go to the hundred where last they dwelled, or where best known, or born, without begging out of the hundred.

The 19 Hen. 7. c. 12. (1504) requires them to go to the city, town, or hundred where they were born, or to the place where they last abode for the space of three years, without begging out of the said city, town, hundred, or place.

The 22 Hen. 8. c. 12. (1531) directs the justices to assign to the impotent poor a limit within which they are *to beg*. An impotent person begging out of his limit is to be imprisoned for two days and nights in the stocks, on bread and water, and then sworn to return to the place in which he was authorised to beg. An able-bodied beggar is to be whipped, and sworn to return to the place where he was born, or last dwelt for the space of three years, and there put himself to labour.

Second Epoch. — Compulsory Relief.

Henceforward it will be seen that a new element is introduced into the legislature, which ceased with this statute to be directed merely to the suppression of vagrancy, but aimed also at the making a provision for the destitute, which the alms dispensed at the religious houses had now ceased to afford. It will also be seen that from time to time the provisions acquired greater complexity, the law always retaining its original elements, but constantly acquiring additional ones.

Five years after the last-mentioned statute, was passed the 27 Hen. 8. c. 25. (1536). This statute* is remarkable, both as having first introduced the system of *compulsory charity*, and as showing that the motive for its establishment was the desire and the difficulty of repressing vagrancy. It recites the preceding act, and adds, that no provision is made for the support of the impotent, nor for setting and keeping in work the said valiant beggars; and then enacts, that the head officers of every city, shire, town, and parish, to which such poor creatures or sturdy vagabonds shall repair in obedience to that act, shall most charitably receive the same, and shall keep the same poor people, by way of voluntary and charitable alms, within the respective cities, shires, towns, hundreds, hamlets, and parishes, by their discretion, so that none of them of very necessity shall be com-

* The first volume of the Proceedings of the Statistical Society of London contains an interesting paper by Mr. Hallam, giving an account of some remarkable regulations enacted by the magistrates of Ypres, in Belgium, in the year 1530, for the maintenance of the poor. These regulations appear to have been generally adopted in the adjacent provinces of the Netherlands, under the sanction of an edict of the Emperor Charles V.; and, as stated by Mr. Hallam, manifestly formed the model which was followed a few years afterwards by the legislature of this country.

pelled to beg openly, and shall compel the said sturdy vagabonds and valiant beggars to be kept to continual labour in such wise as they may get their own living by the continual labour of their own hands, on pain that every *parish* making default shall forfeit 20*s.* a month. It then directs the head officers of corporate towns, and the churchwardens and two others of every parish, who are to remain in office only one year, to collect voluntary alms for the purpose of relieving the impotent poor, and that such as be lusty be kept to continual labour. Every preacher, parson, vicar, and curate, as well in their sermons, collections, bidding of the beads, as in the time of confession and making of wills, is to exhort, move, stir, and provoke people to be liberal for the relief of the impotent, and setting and keeping to work the said sturdy vagabonds.

The money collected is to be kept in a common box in the church, or committed to the custody of a substantial trusty man, as they can agree on, to be delivered as necessity shall require. Alms-giving, otherwise than to these common boxes or common gatherings, or to fellow parishioners or prisoners, is prohibited on forfeiture of ten times the amount given. And all persons bound to distribute ready money, victuals, or other sustentation to poor people, are to dispose of the same, or the value thereof, to such common boxes. The overplus of the collection of wealthy parishes is to be applied in aid of other parishes within the same city, borough, town, or hundred.

A sturdy beggar is to be whipped the first time, his right ear cropped the second time, and if he again offend, to be sent to the next gaol till the quarter sessions, and there to be indicted for wandering, loitering, and idleness; and if convicted, shall suffer execution of death as a felon and an enemy of the commonwealth.

It appears that the severity of this act prevented its execution: such, at least, is the reason assigned for its repeal by the 1 Edw. 6. c. 3. (1547), which recites, that partly by foolish pity and mercy of them which should have seen the said goodly laws executed, and partly from the perverse nature and long-accustomed idleness of the persons given to loitering, the said goodly statutes have had small effect, and idle and vagabond persons, being unprofitable members, or rather enemies, of the commonwealth, have been suffered to remain and increase, and yet so do: and, as a milder punishment, enacts, that an able-bodied poor person who does not apply himself to some honest labour, or offer to serve even for meat and drink, if nothing more is to be obtained, shall be taken for a vagabond, branded on the shoulder with the letter V, and adjudged a slave for two years to any person who shall demand him, to be fed on bread and water and refuse meat, and caused to work by beating, chaining, or otherwise. If he run away within that period, he is to be branded on the cheek with the letter S, and adjudged a slave for life; if he run away again, he is to suffer death as a felon. If no man demand such loiterer, he is to be sent to the place where he says he was born, there to be kept in chains or otherwise, at the highways or common work, or from man to man, as the slave of the corporation or inhabitants of the city, town, or village in which he was born; and the said city, town, or village shall see the said slave set to work, and not live idly, upon

pain, for every three working days that the slave live idly by their default, that a city forfeit *5l.*, a borough 40*s.*, and a town or village 20*s.*, half to the king and half to the informer. If it appear that he was not born in the place of which he described himself as a native, he was to be branded on the face, and be a slave for life.

It appears also, that taking surety of the impotent poor that they would repair to the places where they were born, or had dwelt for the three previous years, was not effectual. The officers, therefore, are directed to convey the impotent poor, on horseback, cart, chariot, or otherwise, to the next constable, and so from constable to constable, till they be brought to the place where they were born, or most conversant for the space of three years, there to be kept and nourished of alms. "Provided always, that if any of the said impotent persons be not so lame or impotent but that they may work in some manner, and refuse to work, or run away and beg in other places, then their city, town, or village is to punish them according to their discretion, with chaining, beating, or otherwise." The statute also orders the curate of each parish, every Sunday after reading the Gospel, to exhort his parishioners to remember the duty of Christian charity in relieving them which be their brethren in Christ, *born in the same parish*, and needing their help.

This statute had a very short existence, for it was repealed by the 3 & 4 Edw. 6. c. 16. (1450), and the 22 Hen. 8. c. 12., revived. The directions, however, that the impotent poor should be removed to the place where they were born, or had been most conversant for three years, and that they should be kept to work, if capable of some manner of work, and punished by chaining, beating, or otherwise, if they refused, were re-enacted.

The 5 & 6 Edw. 6. c. 2. (1551), "to the intent that valiant beggars, idle and loitering persons, may be avoided, and the impotent, feeble, and lame provided for, which are poor in very deed," confirms the 22 Hen. 8. c. 12., and the 3 & 4 Edw. 6. c. 16., and commands that they shall be put in execution; and then directs a book to be kept in every city, corporate town, and parish, containing the names of the householders and of the impotent poor; and that yearly in Whitsun week the head officers of towns, and the minister and churchwardens in every parish in the country, shall appoint two persons to be collectors of alms for the relief of the poor, which collectors shall, the next or following Sunday at church, gently ask every man and woman what they of their charity will give weekly towards the relief of the poor, and write the same in the book, and distribute what they collect weekly to the same poor and impotent persons, after such sort that the more impotent may have the more help, and such as can get part of their living the less, and by the direction of the collectors be put on such labour as they be able to do; but none to go or sit openly begging, upon pain limited in the above statutes. If any one, able to further this charitable work, do obstinately and frowardly refuse to give, or do discourage others, the minister and churchwardens are to gently exhort him. If he will not be so persuaded, the bishop is to send for him, to induce and persuade

him by charitable ways and means, and so according to his discretion take order for the reformation thereof.

It is a curious example of the fear of our ancestors that statutes should grow into desuetude, and perhaps a proof that such a fate had actually befallen the 5 & 6 Edw. 6., that precisely the same enactments, with precisely the same preamble, are repeated by the 2 & 3 Philip and Mary, c. 5. (1555.) But the act, however reiterated, seems to have been ineffectual. Neither the gentle askings of the collectors, the exhortations of the minister, nor the charitable ways and means of the bishop, appear to have persuaded the parishioners to entrust to the collectors the distribution of their alms.

The 5 Eliz. c. 3. (1563), therefore, after repeating the same preamble and the same enactments, goes on to enact, that if any person of his froward wilful mind shall obstinately refuse to give weekly to the relief of the poor according to his ability, the bishop shall bind him to appear at the next sessions; and at the said sessions the justices there shall charitably and gently persuade and move the said obstinate person to extend his charity towards the relief of the poor of the parish where he dwelleth; and if he will not be persuaded, it shall be lawful for the justices, with the churchwardens, or one of them, to tax such obstinate person, according to their good discretion, what sum the said obstinate person shall pay weekly towards the relief of the poor within the parish wherein he shall dwell; and if he refuse, the justices shall, on complaint of the churchwardens, commit the said obstinate person to gaol, until he shall pay the sum so taxed, with the arrears.

The next statute, the 14 Eliz. c. 5. (1572), is remarkable as a proof of the inefficiency of the previous statutes, and as showing how short an interval elapsed between giving to the justices power to tax at their sessions an obstinate person, at the complaint of the minister, the churchwardens, and the bishop, and the giving to them discretionary power to tax every inhabitant in their divisions, and to direct the application of the sums so taxed.

It begins by a recital, that "all the parts of this realm of England and Wales be presently with rogues, vagabonds, and sturdy beggars exceedingly pestered, by means whereof daily happeneth in the same realm horrible murders, thefts, and other great outrage, to the high displeasure of Almighty God, and the great annoyance of the common weale."

And then, "as well for the utter suppressing of the said outrageous enemies to the common weal, as for the charitable relieving of the aged and impotent poor people in manner and form following," it enacts, "that all persons thereafter set forth to be rogues and vagabonds, or sturdy beggars, shall for the first offence be grievously whipped, and burnt through the gristle of the right ear with a hot iron of the compass of an inch about; for the second, be deemed felons; and for the third, suffer death as felons without benefit of clergy."

Among rogues, vagabonds, and sturdy beggars, are included all persons whole and mighty in body, able to labour, not having land or master, nor using any lawful merchandise, craft, or mystery; and all

common labourers, able in body, loitering and refusing to work for such reasonable wages as is commonly given.

"And forasmuch as charity would that poor, aged, and impotent persons should as necessarily be provided for as the said rogues, vagabonds, and sturdy beggars repressed, and that the said aged, impotent, and poor people should have convenient habitations and abiding places throughout this realm to *settle* themselves upon, to the end that they nor any of them should hereafter beg or wander about," it enacts, "that the justices of the peace shall within their several divisions and authorities make inquiry of all aged, poor, impotent, and decayed persons born within their said divisions and limits, or which were there dwelling within three years next after this present parliament, living by alms, and register their names; and when the number of poor people forced to live upon alms be by that means known, the said justices shall appoint within their said divisions meet places, by their discretion, to *settle* the same poor people for their abidings, if the parish within which they shall be found shall not or will not provide for them, and set down what portion the weekly charge towards the relief and sustentation of the said poor people will amount unto, and that done shall *by their good discretions tax and assess all the inhabitants dwelling within the said divisions* to such weekly charge as they and every of them shall weekly contribute towards the relief of the said poor people, and shall appoint collectors, who shall gather the same proportion, and make delivery of so much thereof, according to the discretion of the said justices, to the said poor people, as the said justices shall appoint them. If any person able to further this charitable work shall obstinately refuse to give, or discourage others, he shall be brought before two justices, to show the cause of such refusal or discouragement, and to abide such order therein as the said justices shall appoint; and if he shall refuse to do so, they shall commit him to gaol until he shall be contented with their said order, and do perform the same."

It then provides that the justices, out of the surplus of such collections (the impotent being first provided for), shall settle to work the rogues and vagabonds that shall be disposed to work (*i. e.* capable of working) born within the said counties or there abiding for the most part within the said three years, there to be holden to work to get their livings, and to live and be sustained only upon their labour and travail. And "that the justices in sessions within any of the counties, cities, or towns where collection of money cannot presently be had, may license some of the poor, or any other for them, to gather, within such other town, parish, or parishes of the county, as the said justices shall name within the division of the licensing justices, charitable donations and alms at the houses of the inhabitants. And the inhabitants of every such parish to which such poor shall be so appointed, shall be coacted and bound, under such pain as to the said justices shall seem convenient, to relieve the said poor in such sort as the said justices shall appoint."

Even its kindness is mixed with severity; for "if any of the said poor people refuse to be bestowed in any of the said abiding places, but covet still to hold on their trade of begging, or, after they be once

bestowed in the said abiding places, depart and beg, then the said person so offending, for the first offence shall be accounted a rogue or vagabond, and suffer as a rogue or vagabond in the first degree of punishment; and if he do the second time offend, then be esteemed a rogue or vagabond, and suffer as a rogue or vagabond in the last degree of punishment (that is, suffer death as a felon); and if any of the said aged and impotent persons, not being so diseased, lame, or impotent but that they may work in some manner of work, shall be by the overseers of their said abiding place appointed to work, and refuse, they are to be whipped and stocked for their first refusal, and for the second refusal to be punished as in the case of vagabonds in the said first degree of punishment."

The 14 Eliz. c. 5. does not appear to have been expressly repealed, as far as the relief of the impotent is concerned. It was replaced, in that respect, by the 39 Eliz. c. 3. (1598), and, with respect to able-bodied vagrants, by the 39 Eliz. c. 4. That statute, which is, in fact, merely a continuation of the 39 Eliz. c. 3., directs that every rogue and vagabond (among whom are included "all wandering persons and common labourers, being persons able in body, using loitering, and refusing to work for such reasonable wages as is taxed or commonly given in such parts where such persons do or shall happen to dwell or abide, not having living otherwise to maintain themselves") "shall, on his apprehension, be openly whipped until his body be bloody, and shall be forthwith sent from parish to parish the next straight way to the parish where he was born, if the same may be known by the party's confession, or otherwise; and if the same be not known, then to the parish where he last dwelt before the punishment by the space of one whole year, there to put him or herself to labour as a true subject ought to do; or, not being known where he or she was born, or last dwelt, then to the parish through which he or she last passed without punishment, to be by the officers of the said village where he or she so last passed through without punishment conveyed to the house of correction of the district wherein the said village standeth, or to the common gaol of that county or place, there to remain or be employed in work until he or she shall be placed in some service, and so to continue by the space of one whole year; or, not being able of body, until he or she shall be placed to remain in some almshouse in the same county or place." And "if any of the said rogues shall appear to be dangerous to the inferior sort of people where they shall be taken, or otherwise be such as will not be reformed of their roguish kind of life, it shall be lawful to the justice of the limits where any such rogue shall be taken, to commit that rogue to the house of correction, or otherwise to the gaol of that county, there to remain until the next quarter sessions; and then such of the same rogues so committed as by the justices of the peace there present, or the most part of them, shall be thought fit not to be delivered, shall be banished out of this realm and all other the dominions thereof, and, at the charge of that county, shall be conveyed into such parts beyond the seas as shall be at any time hereafter for that purpose assigned by the Privy Council, or otherwise be judged perpetually to the galleys of this realm, as by the

same justices, or the most part of them, shall be thought fit and expedient."

The 27 Hen. 8. c. 25., which imposed a fine on the *parish* in which the impotent poor should not be relieved, and directed the surplus collection of rich parishes to be applied for the relief of poor *parishes* within the same hundred; the 1 Edw. 6. c. 3., which directed the curate of any *parish* to exhort his parishioners to relieve those *born in the same* parish, and needing their help; and the 5 & 6 Edw. 6. c. 2., which directed the parson, vicar, or churchwardens of each parish to appoint collectors, and to gently ask for contributions in the church, were all so many steps towards making the relief of the poor a parochial charge. And it appears that the ecclesiastical division of parishes was preferred to any civil division, on account of the part which the clergy were required to take in the business.

The 14 Elizabeth, c. 5., appears to have deviated from this plan; and as it vested the power of assessment in the justices, it threw the burthen, not on each parish, but upon all the inhabitants of the divisions within the jurisdiction of the assessing justices. The 39 Elizabeth, c. 3. (1598), returned to the parochial system; and it differs so little in its provisions from the well-known 43 Elizabeth, c. 2., the basis, but certainly not the origin, of our present system, that we do not think it necessary to state its substance. The following clause, however, deserves to be cited, both on account of its importance, and from its not having been re-enacted:—

"No person or persons whatsoever shall go wandering abroad and beg in any place whatsoever, by licence or without, upon pain to be esteemed, taken, and punished as a rogue: provided always, that this present act shall not extend to any poor people which shall ask relief of victualling only in the same parish where such poor people do dwell, so the same be in such time only and according to such order and direction as shall be made and appointed by the churchwardens and overseers of the poor of the same parish, according to the true intent and meaning of this act."

Third Epoch—Existing System.

The 43 Elizabeth, c. 2. (1601), has been the subject of much eulogium, and deserves to be considered as the most remarkable instance of practical statesmanship which our legislature down to this time affords. Its first merit is, that it abandons the excessive severity which had been the self-destructive principle of the preceding statutes; and, instead of punishment, applies a test which succeeding legislation has only attempted to apply more strictly; but has never departed from without the most pernicious consequences. This is the plan of affording to such as are able to work, whatever may be their age or sex, no relief, but such as is accompanied by the exaction of labour. So exclusive was the principle that all who can labour shall receive *relief only on condition that they work for it*, that it is expressly extended even to children, who are to be set to work in the same manner as the adults, and for whose apprenticeship competent sums of money

are to be raised. The mode of application of this principle, by the agency of *overseers*, under the control of justices of the peace; the selection of *parishes* as the districts for its administration; the contribution by *rates;* and the species of property in respect of which the rates are made; and the remedy against their unequal imposition; are the same as prevail at the present day, though certain additions have been made upon all these points, with the view of extending the effect of the provisions, or of facilitating their operation.

The evils of vagrancy, although greatly reduced by the operation of this statute, still continued to be felt, and the 7 Jac. c. 4. (1609) re-enacted, with additions, the provisions of 39 Eliz. for the erecting of houses of correction, and for the punishing of rogues and vagabonds. These houses of correction were to be provided with "mills, turns, cards, and such like necessary implements, to set the said rogues and other idle persons to work," and were, with hospitals (which the 39 Eliz. had facilitated the endowment of for the same purposes), the origin of *the workhouse system.*

These statutes seem at length to have been successful in subjecting the poor and the idle to a more regular and systematic mode of seeking relief than had prevailed when they were first enacted. But the evil had merely changed in its mode of application, being still substantially the same, when the 13 & 14 Car. 2. c. 12. (1661-2) was passed. This statute recites that "whereas by reason of some defects in the law, poor people are not restrained from going from one parish to another, and therefore do endeavour to settle themselves in those parishes where there is the best stock; the largest commons or wastes to build cottages; and the most woods for them to burn and destroy; and when they have consumed it, then to another parish; and at last become rogues and vagabonds, to the great discouragement of parishes to provide stocks, where it is liable to be devoured by strangers:" and it proceeds to enact provisions for *the removal of persons so coming to settle* within 40 days after their arrival, unless they have taken a tenement of the yearly value of 10*l.*

It is clear from this preamble that the ancient evil of unrestricted beggary and vagrancy was not the evil which the statute attempted to cure; and it is equally clear that the provisions of the statute of Elizabeth and succeeding statutes had been made use of as a more effective means of satisfying the propensity to live in idleness on the labour of others. The laying in of the stock (which the settlers are said to have come "to devour"), and the building of cottages on the wastes or commons, are both required by the statutes of Elizabeth; and although introduced for the restriction of vagrancy, had thus become subservient to a new system of extortion by the dissolute and idle.

This statute of the 13 & 14 Car. 2. also provided for a practice, now nearly obsolete, of giving to any person going to work in harvest, or at any other work, a certificate from the minister and one churchwarden and overseer, that the party was a settled inhabitant of the parish from whence he went, which certificate protected the party from the more summary mode of removal provided by the act, and likewise secured the parish to which he went against a settlement. The statute also enabled justices to transport rogues, vagabonds, and

sturdy beggars, duly convicted and adjudged to be incorrigible, to any of the English plantations beyond the seas. Other severe regulations are made for the repression of habits of pauperism, now assuming a legalised form. And this statute was followed by several more in this and succeeding reigns, the purpose of which was to diminish the facilities of gaining settlements and contracting habits of pauperism according to law.

The evils which might have been expected to result from this restriction on the free circulation of labourers introduced by the settlement laws, appear to have been severely felt before the 8 & 9 W. 3. c. 3. (1696–7) was passed. It recites that "forasmuch as many poor persons chargeable to the place where they did live, merely for want of work, would in any other place, where sufficient employment is to be had, maintain themselves and families without being burthensome to any parish; but not being able to give such security" (against their becoming chargeable) "as will or may be expected or required, they are for the most part confined to live in their own parishes, and not permitted to inhabit elsewhere, though their labour is wanted in many other places, where the increase of manufactures would employ more hands." This evil, though an attempt was made to remedy it in this statute by making the parish from which the party went liable to maintain him, if necessary, where he might reside, and numerous other attempts had been made with the same object, remained in full operation until the passing of the Poor Law Amendment Act; and is only now in course of reduction by aid afforded under that act to the migration of labourers "to places where their labour is wanted, and where the increase of manufactures would employ more hands."

It will be seen that at this stage the struggle of the poor laws against *vagrancy* as a national evil ceased, and the efforts of the legislature were in the two last described statutes, and henceforth, directed against the somewhat contrary habits generated by a state of *permanent and settled pauperism.* The general improvements in the habits, intelligence, and wealth of the people, had, doubtless, the chief share in the effect of reducing the former evil, although it is clear that a considerable effect was constantly operated by the poor laws towards reducing the poorer part of the population to a settled condition, which, eventually terminated in a state of things in which the labourer resisted a change of place as the last extremity of evil, thinking the loss of his settlement ill compensated by the certainty of immediately bettering his condition, in as far as his condition depended on the reward of his own industry. The cause at the bottom of each of these evils was obviously the same; that is, the desire which men have to live in ease; which object was at one time most easily attained by vagabondage, at another by acquiring a fixed settlement in a parish.

The unhappy effects of the security and indifference thus begotten in the poorer classes by the settlement laws was attempted to be counteracted by two well-contrived provisions in the 9 Geo. 1. c. 76. (1723), which enabled many parishes long to withstand the encroachments of pauperism, and, until their effect was weakened by subsequent enactments, would at all times have enabled officers,

intent upon doing their duty, to protect their parish from gross injustice. The first provision was, that no relief should be granted to any pauper by any justice of the peace until oath had been made of some matter being reasonable ground for relief, and that the pauper had applied for relief and had been refused; nor until the overseer refusing the relief had been summoned to show cause why it had not been given. The provision was, however, found defective, because the justice was made the judge of the reasonableness of the asserted ground of relief, and of the validity of the reasons of the overseer for his refusal; and as the justices were not influenced by the motives of overseers to save the money of each particular parish, but very generally from motives of benevolence leaned to the side of the pauper, this enactment gradually became rather a means at the disposal of the paupers for coercing parish officers, than a protection of the rates against the negligence of the officers and rapacity of the pauper, as it was intended to be. When relief was at length ordered by the justices, the pauper's name was to be inserted in a book as one entitled to receive relief as long as the cause for such relief continues, "and no longer." Overseers were to forfeit *5l.* for every instance in which they gave relief to persons not so registered, except only when given on sudden and emergent occasions.

The other provision made by this act was, however, of the utmost value in practice, and besides proving for many years most effective for its purposes, led to many imitations with modifications in local acts, and has served, in fact, as a model for all the sound legislation which has since been attempted on the administration of the poor laws. This is the enabling parishes to provide themselves with *workhouses* wherein to employ the poor, and the enacting that in case any person shall refuse to be relieved in such a house, he shall not be entitled to receive any other relief. This, when all other protection failed, was long the sole means of defence of parishes against the inconsiderate benevolence of the magistracy. For the overseer or other administrative officer had, while this provision existed in its integrity, only to offer to relieve a suspected impostor in the workhouse (a mode of relief which the voluntary pauper was sure to refuse), and the justice had then no power to interfere to compel the offer of other relief. The benefit of this enactment was further extended in the same statute, by enabling *several parishes*, each too small to procure a separate workhouse, *to unite* for the purpose; and by enabling parishes without workhouses *to contract* with those which had one for the maintenance and employment of their poor therein.

This important statute was rapidly followed by a mass of enactments affecting the detail but not the principle of the previously existing laws, as well as by a great number of *local acts* following out its principles, in as far as the application of the workhouse as a means of constraint on paupers was concerned, and also adopting the principle of uniting several parishes for the purpose. These local acts also, in almost every instance, took the administration of the law out of the hands of the overseers of the statute of Elizabeth, and of the justices, and created a new administrative body generally called guardians, annually elected by the rate-payers, but sometimes self-elected.

These principles seem to have taken a strong hold on the public mind, and at length to have led to a very general belief that by a combination of several parishes, and a concentration of their poor in one large building, the paupers might, if systematically employed, be not only better and more economically kept, but might even be made *profitable*. This visionary scheme was elaborately propounded by a member of parliament named Gilbert, who seems to have procured a great number of adherents. He at length brought in the act, 22 Geo. 3. c. 83. (1782), known as "Gilbert's Act," which, although it does not openly profess the speculative views of its promoters, carries much internal evidence of the design in which it originated, and departs so widely from the sound principles of the statute of Eliz, and of the 9 Geo. 1. c. 7., that instead of rendering the workhouse a means of employing able-bodied paupers, and thereby deterring them from habits of pauperism by rendering their state less eligible than one of independence, it reverses the principle, and in fact, provides that the able-bodied shall not be required to enter the house, and proceeds to the absurd extent of throwing on the guardian the duty of finding work near their own house for such applicants as profess to be able and willing to labour, but are unable to get employment, and of making up any supposed deficiency of wages out of the poor rates; thus rendering this class of persons wholly independent of any motive to procure or keep work by their good character or conduct, and free from all restraint in the mode in which they receive relief, which they are enabled to demand and receive, as if it were the produce of their independent industry. This statute has, however, as far as the organisation of its machinery is concerned, many points of resemblance to the recent act for the amendment of the poor laws. It provides for the uniting of several parishes into one incorporation, for the purposes of managing the poor, and more especially for the use of the workhouse. It provides for the election yearly, by owners and occupiers of land and rate-payers, of guardians, who replace the overseers in the administration of relief, and the expenditure of the rate, but do not interfere with the making or collection of the rate. These guardians, however, are still left wholly subject to the local influences of the particular parish for which each is elected, being empowered to direct the relief to the poor of that parish without consulting the rest of the body of guardians; whereas, if the guardians had been allowed to act only at a board, and as a part of that board, as is the case under the Poor Law Amendment Act, all the advantages of the local and personal knowledge of each guardian would have been enjoyed by the whole board, while the decision in each case would have been made by a majority of persons from other parishes, divested of the influence of partiality, prejudice, or intimidation, or other local interests to which a guardian living in the midst of a parish, and elected by it, is subject.

Down to the period of the passing of Gilbert's Act, we find the legislature consistently pursuing the scheme of the statute of Elizabeth, providing a security against absolute destitution, and thereby withdrawing from every person all excuse for dishonest courses,

founded on the extreme law of necessity, and at the same time affording succour with a prudent economy, and subject to conditions which rendered it less desirable, in ordinary circumstances, than a livelihood obtained by independent industry. In all this period the course pursued by the legislature had been marked by as much wisdom as had been applied to any other part of our institutions; and it was, indeed, distinguished from almost every other portion of our jurisprudence by a judicious adaptation to the general purposes of the whole institution of the details successively added. In fact, there appears no reason for the want of complete success in attaining such objects as the institution proposed to attain, but the want of security for a strict administration of the law. The administration was doubtless bad, because it was intrusted to officers not practically subject to responsibility, nor completely interested in the well working of the system. This was felt, and accordingly Gilbert's Act, and the host of local acts before referred to, undertook to remedy the evil; but in doing so, unfortunately adopted false and dangerous organic principles.

The principle of the early poor laws, in as far as they impose restrictions on the most dangerous species of pauperism (namely, that of persons in the enjoyment of bodily health and strength sufficient to earn their livelihood), being given by Gilbert's Act, the legislature, notwithstanding that the evils of able-bodied pauperism were from that time proceeding with alarming rapidity, continued, under the influence of a false philanthropy and a sentimentality then very prevalent, to relax step by step all the restraints which up to the 9 Geo. 1. c. 7. had been successively applied. The consummation of this false policy was not attained until East's Act, 55 Geo. 3. c. 137. (1815), was passed. Its preamble shows the laxity of administration then prevailing, in spite of a multitude of detailed provisions made in the previous half century with the object of amending it.

It consists of a complete abrogation of almost all the salutary portions of the 9 Geo. 1. Instead of restricting the administration of relief to the period during which the cause of relief continued, justices were empowered to order relief to be given for any time they might please to define, so that it did not exceed three months; this relief was no longer required to be received in the workhouse, but was to be "paid" to any poor person or persons at his, her, or their home or homes, house or houses. Two justices might make another order for a period not exceeding six months. One restriction is imposed by this statute which must have appeared very parsimonious to the bountiful legislators who enacted the preceding provisions; the sums of money which a justice might order to be paid for any longer period than a month, were limited to three shillings per week for each person, or to three-fourths of the average expense of maintaining a person in the workhouse.

The idleness, improvidence, and insolence of the population subject to the demoralising influence of these enactments were admitted on all hands, and abundantly proved by the evidence given to every parliamentary committee which sat to investigate the subject, from the year next preceding the passing of this act (1814), to the time when the commission of inquiry was appointed, in 1832; and the evidence con-

tained in the appendixes to the report of the latter may be considered as one vast illustration of the ruinous operation of that policy of mistaken benevolence of which this statute was the crowning work.

Excepting Sturges Bourne's Act, 59 Geo. 3. c. 12. (1819), no other of the succeeding statutes seems of great importance. This statute, with more rational general views, had objects somewhat similar to those of Gilbert's Act, in as far as it provided for the election of a body of persons to be called a *select vestry*, who supersede the overseers, and to some extent the justices, nearly in the same manner as Gilbert's Act guardians do, in the ordering of relief: it provides also for the appointment of a paid *assistant overseer*, and affords many facilities for the procuring of workhouses.

This was a salutary measure on the whole, though some of its provisions are infected with the policy which had been so strongly exemplified in East's Act; still that policy is mitigated, and is in fact most shown in a portion of the act which had least practical operation; namely, in the provision which enables parishes to take land for the purpose of employing the poor in its cultivation. This provision recognises the principles of the older and sounder legislation, in as far as it admits the necessity of setting the poor to work; but, as applied in this act, it in fact amounts to nothing more than an attempt to render the poor independent of the skill and character by which they can alone secure private employment; for the act compels the parish to stand in the situation of a private paymaster; while it has no liberty to choose the labourers it employs, and is, moreover, destitute of the means, as it is partly of the motives, to exact a fair return for the wages it pays. The provision adverted to, is that which requires the churchwardens and overseers to pay to such poor persons as they may employ, *reasonable wages* for their work; and gives to their labourers "such and the like remedies for the recovery of their wages as other labourers in husbandry have." (§ 12.)

Enough has been said, in giving this account of the more important enactments, to show the great conflict of principles and of modes of administration, in this department of our laws. The confusion introduced by the great number of enactments of subordinate importance, and of decisions of courts of law, had rendered the whole system of poor laws utterly unfit to be administered, by local and untrained officers, even if officers could have been found whose interests were identical with those of the communities for which they acted, or who could have been constrained to act in obedience to them. So complicated a system was obviously difficult to administer: unauthorised practices naturally followed; and the legal course being once abandoned, it became difficult to return to it; and contests and litigation between parish and parish, and between the inhabitants of the same parish, ensued to an enormous extent.

A body of law so difficult to reconcile, and necessarily misunderstood by the class of people intrusted with its administration, afforded practically no guide to the understanding of its officers, who, in despair of acting altogether lawfully, found it more easy, and sometimes more advantageous, to act according to their own judgments. The

principle of the law was thus lost sight of, or voluntarily abandoned; while the officers charged with the duty of adminstering it endeavoured to shift off from themselves all responsibility, by calling in the advice of a vestry. This fluctuating body, which rarely consisted of those inhabitants of a parish who were most interested in its welfare, found, in the poor rates, a source of power and a means of serving their particular and temporary interests, as employers of labour, or as tradesmen supplying the poor, or in various other ways, according to their several circumstances. The magistracy too, who exercised a large control over the parochial authorities, were equally at a loss to interpret or reconcile the law, and were influenced by motives sometimes of humanity, sometimes of ambition, and often of more sordid interests, all equally independent of the true objects of the institution. The fund was thus almost universally diverted from the objects contemplated by the law, to objects connected with the supply of labour to individual employers, or to the acquisition of personal power or popularity; how injuriously to the community, the recent reforms are now practically showing.

Parliamentary committees of the houses of Lords and Commons had from time to time been appointed, and had received evidence and reported on it, without being able to come to any conclusion as to the measures necessary to abate the evils of the system, which were, on all hands, admitted to be enormous, and even by many feared to be irremediable.*

A *commission of inquiry* was at length appointed in 1832, with means of investigation which parliament itself cannot exercise. The inquiry was directed by commissioners, and conducted in detail by assistant commissioners, serving gratuitously.

The public were already aware that the *expenditure* for the support of the so-called poor had been progressively increasing in a ratio much greater than the increase of the population; and this in a long period of progressive national prosperity. The evidence collected by the commissioners from every district of England and Wales seemed to show, that wherever the expenditure had most increased, there also the *morals and industry of the labourer* had proportionally degenerated; because, in such places, subsistence from the poor rates was more easily obtained than by labour; — that under such influences his prudence and thrift were discarded; because they could, with the utmost success, only secure for him, by present sacrifice of enjoyment, the same future advantages of which the parish held out a prospect without the necessity of any sacrifice, save that of independence; — that his sobriety and temperance were thus left without encouragement; and, on the other hand, exposed to the temptations of comparative idleness, and the facilities for the indulgence in idleness and intemperance which

* A French committee of mendicity, in reporting on the proposal to establish a poor rate, adverted to the evils of the poor laws in England in these terms: —" Cet exemple est une grande et importante leçon pour nous, car, indépendamment des vices qu'elle nous présente et d'une dépense monstreuse, et d'un encouragement nécessaire à la fainéantise, elle nous decouvre la plaie politique de l'Angleterre la plus dévorante, qu'il est également dangereux pour sa tranquillité, et son bonheur, de détruire ou de laisser subsister."

always accompany the growth of pauperism, his respectability of demeanour was now useless, as respectability of character ceased to be relied on as a means of securing employment, itself no longer an object of desire; that in the same proportion as he became independent of regular industry, did he also become independent or regardless of the comforts of his home, which are indispensable to the labourer after a day of toil, but are rarely sought or valued as a change after a day spent in idleness or dissipation. It was also observed, that as the habit of pauperism increased, the standard of subsistence of the labourers in the district was lowered, the relief never being sufficient of itself to maintain the pauper independent of all work; and yet, by rendering him partially so, constantly tempting him to forego that further portion of comfort which was attainable only on the comparatively hard terms of earning it by the sweat of his brow. The standard of the paupers' subsistence being once lowered, that of the industrious labourers, amongst whom they lived, and who occasionally felt the effects of their competition, fell also. Where the system prevailed of allowing relief in aid of wages, there the operation was immediate, as all the labourers were at once pauperised, being equally exposed to the effects of a system which left all industry, beyond a certain point, without its reward, and therefore without object. While these influences were destroying the industry and morality of the able-bodied labourers, the *bastardy law* was holding out encouragement to female unchastity, in the way of a money allowance for each bastard, which, by its amount, of itself elevated her condition in proportion to the number of her spurious offspring, rendering a mother of several bastards better off than she would have been as a mother of as many lawful children, and securing her a dower which usually tempted some man to marry her; while the same law, by subjecting the supposed father to punishment, often subjected him, at the woman's discretion, to the alternative of marriage or a gaol—the former of which was generally chosen as the least present evil. Under these influences female chastity had, in many districts, so far ceased to be valued as a virtue, that not only the woman herself, but her parents and her husband, seemed, where the law had its full effect, to have become indifferent to it.

The evils of the system were not confined to the paupers, but extended to all who had to administer the law. So large a fund as between seven and eight millions, administered without any practical responsibility, naturally tempted the cupidity of *the officers* through whose hands it passed. The office of overseer was, therefore, generally sought by a class of small farmers and tradesmen, to whom the office must have been most burthensome had it been discharged gratuitously as the law provided. It was found that the overseers were usually appointed, in places where the evil had reached a great height, not from the class of the *substantial householders* of the parish, as the statute of Elizabeth requires, but were usually needy persons, to whom the indirect advantages of the office were important, and who were helped into the office by the efforts of persons similarly interested, either as tradesmen of the parish, or as owners of the dwellings which the paupers inhabited, or in other ways, more as receivers,

directly or indirectly, of the rates than as rate-payers. The spirit of the enactment in the 45 Geo. 3. c. 54. § 1., which provides that no contract for the lodging, keeping, or maintaining the poor, or for taking the benefit of their work for their better maintenance, shall be valid, unless the person with whom it is made shall be resident within the parish, was fully carried out in practice in nearly the whole of the 15,000 parishes and places separately maintaining their own poor — every tradesman of the parish, and every employer of labourers, being bribed to maintain whatever system the vestry adopted, by a share in the profitable supply of the parish poor, or by the payment of a part of the wages of his labourers in the shape of relief to them out of the rates. The refractory parishioners were constrained to acquiesce, on pain of losing these and similar advantages, which being withdrawn or denied, left to them only the obligation of paying those rates. To secure the full operation of this system, the parish was not permitted to deal elsewhere for any commodity with which any parishioner could supply it, and was thus usually confined to the worst market for the goods it purchased, in the same manner as by the settlement laws it had been cut off from the supply of other labourers while any belonging to the parish remained unemployed.

The evidence seems also to prove that the functions of *the magistracy* had almost invariably ceased to be applied to the objects for which they had been created. The magistrates of counties were usually too dispersed, and too little immersed in the actual business of the several parishes, to avail themselves of the advantages which the overseers and the other more immediate administrators of the system derived from it. The magistrates of corporate boroughs, towns, and cities were, however, in many instances, found to be not less rapacious or ready to apply the administration of the law to their pecuniary profit or direct advantage than the parochial officers. But, although the magistracy must generally be acquitted of having sought to derive an immediate pecuniary advantage from the administration of the poor laws, they were none the less ready to pervert the law to purposes utterly at variance with its original purposes, and with the prosperity of the community. Very many of the magistrates, influenced by benevolent intentions, were ready on all occasions to admit the claim of the pauper, and to compel overseers to administer relief when they inclined to refuse it: such magistrates were constantly resorted to by paupers in preference to others who more vigilantly examined the grounds of their claims; and a reputation for being the *poor man's friend* was easily earned by the lavish and immoderate expenditure of the funds of the general rate-payers. This reputation was found to be useful in many ways, and was thus sought for political purposes, or for the attainment of local power, or for the mere gratification of vanity, by many magistrates, whose sympathy for the pauper would never have been excited if it had been incapable of being gratified at the expense of the rate-payers. When it is considered that the county magistrates lived in the midst of a population of willing paupers, and if the means of annoyance which the latter possessed, in case they found occasion to use it against an obnoxious person, be also borne in mind, it is not to be wondered

at that the magistracy generally purchased the goodwill of their neighbours by sacrificing the interests of the rate-payers, whom they never had personally before them, and who were very inadequately represented by the overseer, whose interests were too frequently found to coincide more with the demand of the pauper and the inclination of the magistrate than with the strict line of his duty.

Such are the general features of the evils which were represented by the Report of the Commissioners of Inquiry to be in progress throughout England and Wales, and to be in full vigour of operation in most of the southern agricultural counties.

The portion of the Report in which the abuses of the law were detailed was drawn up by Mr. Senior. The remedial measures proposed in the remaining portion of the Report were devised and expounded by Mr. Chadwick, with the exception only of that part which relates to the law of bastardy, which was understood to have been drawn up by the Bishop of Chester.

The Act founded upon the recommendations of the Commissioners received the King's assent on the 14th of August, 1834, having been passed in both Houses of Parliament with extraordinary unanimity, notwithstanding much violent opposition out of doors, and some vehement resistance on the part of a few members of the House of Commons. It now forms the most salient portion of the whole of the law relating to the relief of the poor, although it consists, for the most part, of modifications of portions of old enactments, which still retain their station in the body of the existing law.

Some statutes of minor importance, as affecting the relief of the poor, have been passed in the years 1835, 1836, 1837, and 1838; but they do not need a particular description, being confined to merely technical details.

It remains to be seen what rights are conferred, and obligations imposed, by the whole bulk of the laws as they exist at the present moment.

The present System of English Poor Laws

The accumulated effect of the English Poor Law is, that *no person in England or Wales shall be absolutely destitute of the necessary means of subsistence.*

This principle is accessary to another principle, peculiar to the police of England; for destitution (being thus provided against) is not, as in other systems of jurisprudence, professedly admitted as an extenuation of the guilt of violating the rights of property. In England it is a crime to beg, or gather private alms, or to procure or encourage any child to do so; punishable the first time, with one month's imprisonment in the house of correction; and on the second conviction, with like imprisonment with hard labour for three months; the third time for a year. (5 Geo. 4. cap. 83. §§ 3, 4, 5. 10.) It is clear, however, that the plea of destitution can only be safely rejected where, as in England, the property of the community is, while any assessable property remains, made liable to contribute to the subsistence of all its members.

But to prevent unfounded claims upon the fund intended only for the really destitute, and to diminish the inducement which the existence of that fund affords to indolence and voluntary destitution, as well as to apportion the relief according to the actual necessities of its objects, it has been found necessary to subject the several classes of persons requiring and receiving relief to different regulations. The nature of the Poor Laws will best be seen in the description of the regulations applicable to each class of persons recognised by law as being entitled to relief. These are chiefly,

1. The impotent poor, —
   — through old age,
   or bodily infirmity;
   — through infancy;
   — through accident;
   Lunatics.
2. The able-bodied poor.

The characteristic of the Poor Laws as a security for relief in cases of destitution, is distinguishable chiefly in the provisions affecting the class of impotent poor; while the remains of their original character as a law of police for the repression of idleness, mendicity, and vagrancy, are chiefly discernible in those affecting the second class, of able-bodied poor.

With respect to the *impotent through old age or bodily infirmity*, the 43 Elizabeth, cap. 2. § 1. provides, that "competent sums of money for and towards the *necessary relief* of the lame, impotent, old, blind, and such other among them being poor and not able to work, shall be gathered out of the parish, according to its ability."

The prudent character of this enactment is shown in its limitation to *necessary relief*, even in the case of the most legitimate objects of relief, while it at the same time benevolently assures to them all that can be secured to such as cannot help themselves, without relaxing to a dangerous extent the restraint on improvidence during the period of health or early life.

The statute does not provide with respect to this class as it does with regard to others, that it shall be set to work: relief without work is thus secured to those alone, because they are "*poor and not able to work.*" The preceding history of the Poor Laws shows how the relief without work was improvidently extended to those who were able to work.

As work is thus dispensed with in favour of the impotent class, the workhouse, (or place in which those who are able to work are intended to be set to labour,) is not in the same degree applicable to them as to others. Accordingly the 4 & 5 Will. 4. (which will be henceforth distinguished as "The Poor Law Amendment Act") exempts, by the 27th section, "any adult person, who shall from old age or infirmity of body be wholly unable to work," from the condition of receiving relief in the workhouse of Unions formed under that act.*

* A remarkable exemplification of the utter want of sound principle in the enactments contained in Gilbert's Act is afforded by the provisions relating to the

Those who are unable to support themselves *through infancy* are generally in a condition to which a different policy applies; they are of two classes, — the first consisting of those who, having some bodily infirmity, are therefore unable or only partially able to work; and the second, of those who being free from other infirmity than such as arises from their youth simply, may be expected one day to become by their own exertions independent of relief.

The first class, when destitute of friends, or of private means of subsistence, are subject, in the main, to the same considerations as those who are impotent through extreme age, and are entitled to be relieved in the same manner, and under the same enactments; and even the parents of such children as are blind, deaf, or dumb, are exempted by the Poor Law Amendment Act from the liabilities which attach to the parents of other children relieved by the parish.

With respect to the second class, who may be expected one day to become independent of relief, it is for the obvious interest of society that motives should be given to them, and the means supplied, by which that result may be most effectually obtained.

The statute of the 43d Elizabeth, cap. 2. provides, in the 1st section, "*for setting to work* the children of all such whose parents shall not by the said churchwardens and overseers, or the greater part of them, be thought able to keep and maintain their children;" and the same statute afterwards provides for the raising "competent sums of money * * * for the putting out such children to be apprentices." This statute thus supplies an adequate motive to such children to endeavour, as soon as they are able, to exercise independent industry, it being certain that if labour proportioned to their abilities is exacted of them by the parish, they will be strongly prompted to exercise their abilities for their own advantage whenever their labour appears to be sufficiently valuable to procure them an independent maintenance. And to render such motives more effectual, the statute adopts the most obvious means of conferring on the child the requisite skill and ability for the obtaining a future maintenance, by providing for their apprenticeship.

The statute further provided (§ 5.), that they might be bound apprentices "till such man child shall come to the age of 24 years, and such woman child to the age of 21 years, or the time of her marriage." Such a term of apprenticeship was obviously at variance with the policy of the statute; being longer than would be sufficient to confer on the apprentice ability for self-support, and thus operating to destroy his social value, by keeping him in a prolonged bondage, long after the period when he might otherwise have commenced a career of independent industry. The 18 Geo. 3. c. 47. therefore enacted that a "man child shall be bound to be an appren-

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admission of inmates into the workhouses established under that act. It enacts that "*no person shall be sent to such poor-houses except such as* are become indigent by old age, sickness, or infirmities, and *are unable to acquire a maintenance by their labour.*" — § 29. And a subsequent section, the 32d, prohibits the sending of the able-bodied there.

tice for no longer time than till such child shall attain the age of 21 years;" and to prevent another inconvenience arising from the indefiniteness of the terms of the statute of Elizabeth, which had allowed of children of the most tender years being bound to an intolerable length of servitude, the 56 Geo. 3. cap. 139. § 7. enacted that no child should be bound as a parish apprentice until it had attained the age of 9 years.

These enactments had obviously given the overseers opportunities to serve themselves and friends by apportioning out poor children to an uncompensated servitude; and as every parishioner was bound to take the children allotted to him, it often subjected parishioners to oppression, by having apprentices, for whose services they had no need, forced upon them. It also allowed to the overseers an opportunity of exercising their vindictiveness towards any young person dependent on the parish, by allotting him to many years' servitude to a harsh master. The statute had divided the discretion of binding apprentices between the overseers and the justices of the peace; but by the supiness of the latter the whole of the above-mentioned evils had become of ordinary occurrence. The legislature attempted a remedy by providing a great number of restrictions, as to the persons to whom, the places at which apprentices should be bound, the mode and circumstances of the binding, &c., and by placing nearly the whole discretion in the justices, whose vigilance it attempted to secure by making the proceedings in the whole of the details of execution depend upon them.

The principle upon which children are to be relieved is thus seen to be this: — that they are to have necessary relief; and that those able to work are to be set to work under the superintendence of the parish officers, or to be bound apprentices.

This principle is subject to no variation, whether the children be legitimate or bastard. But by a perversion of the law relating to bastardy, a practice has prevailed for two centuries, and which during the first quarter of the present century had increased to an almost incredible extent, of relieving *bastard children* and their mothers in such a manner as to render their situation incomparably better, so far as the enjoyment of relief without condition or restriction is concerned, than that of lawfully begotten children and their parents.

The law, previous to the Poor Law Amendment Act, was wholly silent as to the manner in which relief should be administered to bastards. But the 18 Elizabeth, cap. 3. § 2. provided that when "bastards were *left to be kept* at the charges of the parish where they were born," the justices of the peace should "make order as well for *the punishment of the mother and reputed father* of such bastard child, as for *the better relief of such parish* in part or in all;" and shall "take order for the *keeping of every such bastard child by charging such mother* or reputed father with the payment of money weekly, or other sustentation for the relief of such child;" and provides further for the punishment of such mother and father, in case they neglect or disobey the order of justices.

It will be seen, 1st, that the statute does not provide for the relief of the bastard, it being merely assumed that the child is deserted by

the parent, and left to be kept at the charges of the parish; 2dly, that it is for the "better relief of the *parish* in part or in all," that the justices are to take order; 3dly, that it is the mother in the first place, or the reputed father in the alternative, who is to be charged with the payment of money or the provision of other sustentation for the child.

By one of the most remarkable perversions to which a law has ever been subjected, these provisions were converted into a means of securing to the mothers of bastards advantages to which the mothers of legitimate children were never suffered to have a claim. The practice almost universally prevalent before the Poor Law Amendment Act came into operation, was to make an order on the father for the indemnity, not of the parish, but of the mother, who was supposed to have a right to affiliate the child (that is, to charge the father), whether she or the child required parochial relief or not. The order was supposed to confer on the mother a claim on the parish to the amount which the father was directed to pay; and in case he failed to comply with the order, the supposed liability of the parish was invariably enforced in favour of the mother. The law, which was made for the punishment of the parents, was thus converted into a reward to the mother, and a punishment to the parish. This punishment was often very severe when an order had been made on the father, in consideration of his greater opulence, or of some peculiar misconduct on his part, to pay a larger amount than usual, and the parish was eventually compelled by the magistrates to answer for his default.

The Poor Law Amendment Act has done little more than revive the true spirit of the statute of Elizabeth, by providing (by § 72.), 1st, that no application for an order on the father should be made until the child had become actually chargeable to the parish; 2dly, that the father shall pay no more than is actually necessary to repay to the parish the costs of the sustentation of the child; 3dly, that no money paid by the father shall at any time be paid to the mother of the bastard; and 4thly (by § 71.), by rendering the mother, in the same manner as a widow is, liable to maintain her child until the age of 16, and declaring that all relief to the bastard while under that age shall be considered as given to the mother. As a complement to this latter provision, a man marrying, after the passing of the act, a woman with bastard children, is rendered liable (by § 57.) to maintain them, on the same principle that he is, by marriage, subjected to her other civil liabilities.

These enactments relate more to the liabilities of parents of bastard children, than to the manner in which the latter are to be relieved; and the observations on this branch of the law would here be out of place, if it were not necessary to show that the practice of affording a peculiar money relief to bastard children was unauthorised by either the present or ancient law.

The law of Elizabeth, in providing that children should be set to work, or bound out apprentice, had so far secured a material part of their *education*; and education in a wider sense has since been looked upon as an essential, as it is a peculiarly appropriate, part of the relief of children. The Poor Law Amendment Act casts in a special

manner on the Commissioners appointed under its provisions the duty of directing the education of children in workhouses.

Those who are *impotent through accident*, or *through sudden and dangerous illness*, are widely distinguished from those who are impotent through decay of strength or through congenital or permanent bodily defect.

Those who become objects of parochial relief through bodily accident have been denominated "casual poor," and are entitled to be relieved wheresoever the accident occurs, or wheresoever they are found while in a state of impotence arising from it; and no steps can be taken during the continuance of such impotence, either for their present or eventual removal. A surgeon or apothecary was entitled to receive the costs of attending and supplying medicine to such persons, if the overseer did not provide medical relief when he knew of the facts of the case; and he was indictable for refusing such relief; and this is still the law in parishes governed by overseers under the statute of Elizabeth.

The Poor Law Amendment Act (§ 54.), which deprives overseers, where select vestries or boards of guardians exist, of their general authority in the giving relief, still subjects them to the obligation of giving such temporary relief as may be required in cases of sudden and urgent necessity, whether the necessitous person be settled in their parish or not, and to penalties, in case they refuse to do so when ordered by a justice of the peace.

To *insane persons and idiots* a peculiar class of enactments apply. The workhouse, of which the most appropriate use is to keep those employed who are able to work, is evidently inapplicable to this unfortunate class, who are not voluntary paupers, and whose necessities require a wholly different moral and physical treatment to that which the law provides for other destitute persons. Peculiar public institutions have been established in most counties of England and Wales for the reception and treatment of this class; and overseers are compelled to make yearly returns to the justices of the peace of all insane persons chargeable to the parish, and the justices may cause any such person to be sent to the lunatic asylum of the county; or, if there be none in the county, then to some public hospital or duly licensed house for the reception of insane persons, and may direct the parish in which the insane person is settled to pay all reasonable charges. All these plans of reception are placed under the peculiar control and inspection of officers appointed for the purpose under two acts of parliament (the 9 Geo. 4. c. 40., and the 9 Geo. 4. c. 41.).

Such are the classes of *impotent poor*, with respect to which the law has made peculiar provisions; all of which indicate a never-failing solicitude in the legislature for the alleviation of the misfortunes of such as are destitute through causes not removable by the exertions of the individual. This solicitude, it may be contended, is less prudently exemplified in these provisions than it would have been had they held out more inducements to those who are in the enjoyment of health and strength to provide against the casualties of life and its decline. Still it abundantly supports the observation, that in

this portion of the Poor Laws the humanity which applies itself to the alleviation of misery (if not to its prevention) is emphatically displayed, in contradistinction to those provisions which regard the able-bodied poor, and which have the larger and more political objects in view, of securing society as well as the individual from the consequences which invariably attend the indulgence of habits of indolence and improvidence. In the provisions now to be described, the character of the Poor Laws as a branch of police are chiefly to be seen.

The severe penal enactments formerly made against *the able-bodied* who followed no course of industry have been partly described in the preceding history of the Poor Laws. Other statutes, supposed to be for the encouragement of industry, abound in our early legislation. The most remarkable of these is that of the 5 Eliz. cap. 4., which provides that every person between the age of 12 and 60 years, not engaged in certain specified courses of industry, nor having means of self-support, should be compelled to be retained to serve in husbandry by the year with any person that keepeth industry, and will require any such person to serve within the shire where he shall be so required. (§ 7.) This statute contains also many penal clauses against such as desert their work: but a more complete description of its provisions is unnecessary; for, although it remains for the most part unrepealed, its provisions have fallen into desuetude.

It has been seen that mendicity has, from the earliest period of our legislation to the present time, been a punishable offence, by whomsoever committed. Complementary to these provisions are those of the statute of the 43d Eliz. and the other poor law statutes, which, when private employment or the industry of the labourer fails, supersede the necessity for begging by establishing a public fund for the setting of the poor to work.

The special enactments of this statute, for employing and apprenticing children able to work, have been described. It also provides generally that "there shall be raised weekly, or otherwise, a convenient stock of flax, hemp, wool, thread, iron, and other necessary ware and stuff, *to set the poor on work.*" This is the only provision made by the statute for the relief of the able-bodied poor; and it clearly authorises only such relief as is implied in *setting them to work*, that is, support during their occupation; and there is no authority in existing statutes for giving relief independent of work. Nevertheless it became the rule to give relief, and not work; and the exceptions were exceedingly rare, before the passing of the Poor Law Amendment Act, in which work was proffered; while, on the other hand, the liberality of the statute towards the aged and helpless, who were to have *necessary relief*, "not money," was exceeded in favour of the able-bodied, who were almost invariably relieved in money, to be spent at their own discretion. The evils of such a system, in tending to encourage idleness, soon became apparent; and new facilities were provided for "setting the able-bodied to work," by enabling parishes to procure workhouses, and depriving those who refused to be maintained therein of all right to other relief. (See 9 Geo. 1. cap. 7.)

The abuses prevalent during two centuries in this branch of the

Poor Laws are notorious, as are the ineffectual attempts to remedy them. It was never admitted, nor contended for, that the able-bodied could be lawfully relieved except in return for work; but the abuse was in most cases submitted to as irremediable, and the further abuse was superadded of paying money, not to those only who were out of work, but to those who were engaged in private employments: thus enlisting on the side of the abuse the whole of those employers of labour who could by means of it compel the parish to bear a portion of the expense of their labourers' subsistence.*

The Poor Law Amendment Act has at length constructively made the abuse lawful, in authorising its indefinite continuance, at the same time providing for its gradual extirpation.

By § 52. it is recited, that "Whereas a practice has obtained of giving relief to persons or their families who at the time of applying for or receiving such relief were wholly or partially in the employ of individuals, and the relief to the able-bodied and their families is in many places administered in modes productive of evil in other respects; and whereas difficulty may arise in case any immediate and universal remedy be attempted;" and powers are then given to the commissioners to be appointed, under the act to make regulations declaring to what extent, and for what period, the relief to be given to able-bodied persons or their families in any particular parish or union may be administered out of the workhouse, by payments in money, or with food or clothing in kind, or partly in kind and partly in money; and what proportions, to what persons or class of persons, at what times and places, on what conditions, and in what manner, such out-door relief may be afforded. All relief given contrary to such regulations is declared illegal, and is to be disallowed in the accounts of persons giving it. Exceptions are, however, made for cases where special and unforeseen circumstances may render the immediate operation of the regulations inconvenient or dangerous.

By the same statute effective means are placed at the disposal of the commissioners for the government of workhouses (the instruments chiefly relied on for the extirpation of this branch of pauperism), for the regulation of the nature and amount of relief to be given in them, the labour to be exacted of the inmates, and for the preservation of good internal order. (*Passim*; but see especially §§ 15. 22. 43. 45. 91, 92.)

These provisions for hindering the condition of the able-bodied pauper from being raised so greatly above that of the independent labourer, as it has been by the practice of affording relief without exacting exertions on the part of the pauper in return, might perhaps be relied on as sufficient, when vigilantly and systematically applied, to deter him from a life of pauperism, which would be thus rendered as toilsome as one of independence, and subject to more constraint, being at the same time less productive of reward in the shape of material necessaries. But they would have been ineffective for the suppression of a practice which had prevailed most extensively,

* For a complete detail of the evils of the allowance system, see *the Report of the Commissioners of Inquiry*, 1834.

where the able-bodied man himself did not apply for relief, — a practice of requiring and receiving relief for children; the relief usually being regulated by a scale, commencing at a certain number of children, and increasing with the size of the family. This relief, proportioned to the size of the family, had made in many counties a widow with a family of children sought after as a desirable match; and a single woman, with a family of affiliated bastards, was considered as even more happily endowed. The direct operation of this practice was to put the man with a family in a position of great relative advantage over the single man; and its indirect effect was the same, as it offered an inducement to all rate-payers to employ in preference men with families, in order to keep them from the rates, and to discard the single man, though possessed of superior qualifications as a workman. Both operations presented motives to the single man to procure himself a wife, and, when it was to be had, a ready-made family.

The Poor Law Amendment Act attempts to prevent the recurrence of such practice, by rendering the parents liable for all relief to their dependent children, as if the relief was administered to the parents themselves; who are thus subjected to the workhouse discipline, and to the repayment of the cost of relief, equally in cases of relief to themselves or to any part of their family (§ 56.). With the further intention of completely extirpating for the future both branches of the evil, relief to a bastard born since the passing of the act is made, in law, relief to the mother herself, in contradistinction to the ancient maxim, that a bastard is *nullius filius*; and a man marrying after the passing of this act is liable to support all the children, legitimate or illegitimate, which his wife may have at the marriage, until her death, or until the children attain the age of 16.

This provision differs from that of the 43 Eliz. c. 2. s. 7., by which the father and grandfather, mother and grandmother, are bound to relieve and maintain their children and grandchildren; and children are bound to maintain their poor, old, blind, lame, and impotent parents, according to a rate to be assessed by the justices. Instead of waiting for the order of justices, the new law makes the party to whom it applies at once liable as a pauper for all relief administered to such of his family as he is bound to support.

It will be at once seen that these enactments respecting the able-bodied have only one common character with those relating to the impotent poor, namely, that of depriving poor persons of the pretext which a state of absolute destitution would afford for mendicancy and depredation, by affording to all a necessary maintenance; but in all the minor details, the enactments regarding the able-bodied are strongly characterised by the number of restrictions calculated to repel the applicant.

Administrative Machinery. — This is the outline of the existing law of relief: the means and instruments of its administration have by experience been found to be even of more importance than the very principles of the law itself; the most valuable principles having, by a bad structure of the administration, been utterly unproductive of any visible good; while the bad have been, by the same cause, im-

prudently suffered to have for a long course of time their full effect without a check or effort at counteraction.

The administrative organisation, as it at present exists, will be found to be unsystematic and clumsy to the highest degree; having not been adopted according to the obvious exigencies of the principles of the law, but being the result of an attempt to apply to them institutions existing, and used for totally different purposes, and in themselves, as far as their own special uses were concerned, of wholly fortuitous origin.

Parochial Administration. — The 43 Eliz. c. 2. enacts that the churchwardens of every parish, and four, three, or two substantial householders there, as shall be thought meet, having respect to the proportion and greatness of the said parish, to be nominated yearly in Easter week, or within one month after Easter, under the hand and seal of two or more justices of the peace of the county, shall be called *Overseers of the Poor.*

It undoubtedly seemed an easy course for the legislature to adopt an existing division, such as the ecclesiastical division of *parishes*, and to avail itself of an existing officer, such as the churchwarden. But all the succeeding legislation shows this to have been a fundamental error.

A parish is defined by Blackstone (*Com.* I. p. 111.) to be "that circuit of ground in which the souls under the care of one parson or vicar do inhabit; he states that they were computed to be near 10,000, in number, and he thus describes their origin: — "It seems pretty clear and certain that the boundaries of parishes were originally ascertained by those of a manor or manors: since it very seldom happens that a manor extends itself over more parishes than one, though there are often many manors in one parish. The lords, as Christianity spread itself, began to build churches upon their own demesnes, or wastes, to accommodate their tenants in one or two adjoining lordships; and, in order to have divine service regularly performed therein, obliged all their tenants to appropriate their tithes to the maintenance of one officiating minister, instead of leaving them at liberty to distribute them among the clergy of the diocese in general; and this tract of land, the tithes whereof were so appropriated, formed a distinct parish; which will very well account for the frequent intermixture of parishes one with the other. For if a lord had a parcel of land detached from the main of his estate, but not sufficient to form a parish of itself, it was natural for him to endow his newly erected church with the tithes of these disjointed lands; especially if no church was then in any lordship adjoining to those outlying parcels.

"Thus parishes were gradually formed, and parish churches endowed with the tithes that arose within the circuit assigned. But some lands, either because they were in the hands of some irreligious and careless owners, or were situate in forests and desert places, or for other now unsearchable reasons, were never united to any parish, and therefore continue to this day extra-parochial." — *Ibid.* 112, 113.

An origin so little connected with any general design might have been expected to produce a result such as has been the case with

parishes. The population returns of the year 1831, when the numbers of the people had been for two centuries and a quarter, since the enactment of the statute of Elizabeth, progressively increasing, still give, out of 15,535 parishes and places in England and Wales separately maintaining their poor, 56 where the whole population, males and females, and of all ages, is under 10 in number; 148 places where it is from 10 to 20; 533 where it is from 20 to 50; 1,170 where it is from 50 to 100; and 4,774 where it is from 100 to 300.

The consequences are obvious, — that to procure a yearly succession of capable officers in such places is impossible; and that the means of systematic administration are utterly wanting, as regards the possession of the material instruments — the stock to set the poor to work, the workhouses, &c.; while, on the other hand, the waste of labour is immense, every operation having to be performed in the like manner for a small as for a large district.

The evil was further added to by the 13 & 14 Car. 2. c. 12. s. 21., by which the several *townships* comprised in the large parishes of the north are each empowered separately to administer the laws for relief of the poor. This statute also includes in the operation of those laws all places at the time of its passing known as vills or hamlets. The number of places in England and Wales was thus increased from about 10,000, the number of the parishes, to between 15,000 and 16,000.

The office of *overseer* is compulsory; that is, it cannot be refused without subjecting the party to an indictment for a misdemeanor; and the officer is entitled to no compensation for his time or services. The effect might be expected: the churchwarden, though the primary overseer, soon confined his attention to the mere business of his original office; leaving his special duties as overseer to be performed by those elected specially for the purpose.

The overseers were thus left to perform the whole of the duty of administering the law, with a divided responsibility. In the smaller places, the law was, in the majority of cases, either suffered to work out all its evils, without its salutary provisions being called into operation, or an officious and unauthorised diversion of its provisions from their purposes was effected; and, indeed, in all cases these extremes followed in succession, according to the varying character of the successive officers. On the other hand, in the larger parishes it was soon found that the duties were too onerous for a gratuitous officer, appointed almost by chance, and changed annually, to perform, while the interests of the parish were too momentous to be entrusted to his charge. But the evil of entrusting such affairs to an annual, fortuitously appointed, gratuitous, and therefore almost irresponsible, officer, was not attempted to be remedied, in parishes governed only by overseers, till the 59 Geo. 3. c. 12. s. 7. (Sturges Bourne's Act) enabled the inhabitants to nominate, and the justices to appoint, a paid officer, under the name of *assistant overseer*, who holds his appointment until it is expressly revoked, and has such of the functions of an overseer as may be specified in his appointment.

The vestry consists of the inhabitants of a parish, assembled (usually in the room in the church where the minister's ceremonial dress

is kept, thence called *vestry*,) to deliberate on the affairs of the parish. The persons assembled at a general vestry are not officers, therefore; but are the persons immediately interested in the administration of affairs by the officers. General vestries had, under the statute of Elizabeth, no important functions to perform in the administration of relief, or the making of rates; but by some succeeding statutes they were recognised as having concurrent authority with the overseers in the ordering of relief. The 3 & 4 William and Mary, c. 11. s. 11. requires the parishioners to meet in vestry, or other usual place of meeting, to make a list of such persons as they shall think fit and allow to receive collections; and the 9 Geo. 1. c. 7. implicitly confirms to them this share of power, with the overseers, in the allowance of relief.

But this vestry, not consisting of determinate or responsible persons, assembled and acted very irregularly; and the meetings usually consisted of those persons merely who had an individual (as opposed to a common) interest in the subject to be determined upon. When no such object was to be obtained, no meeting was likely to be held; or if any was held, it consisted of those who, by an assiduous attendance, might get the whole government of a parish, as it were by prescription, into their hands, upon the plea of greater parochial experience.

In populous parishes a very great number of *select vestries* were early appointed, sometimes as a committee entrusted exclusively, by consent of a general vestry, with the protection of the interests of the parish: these were said to exist by *custom;* and frequently arrogated, in course of time, the power of appointing to vacancies in their own body, and then became known as *self-elected vestries.* Others were appointed, chiefly in town and city parishes, under local acts of parliament, and of these the constitution was extremely various. At length the 59 Geo. 3. cap. 12. (Sturges Bourne's Act) enacts general provisions for the annual election of select vestries by the inhabitants assembled in general vestry, and for the conduct of such select vestries.

The most common character of these select vestries is, that they supersede the overseers in so much of their functions as are of a discretionary nature, such as the determination of the kind and quantity of relief, and the objects to whom it should be granted;—while the merely ministerial duties, such as the making of the rate, the collecting of it, and the accounting for it, are still left to the overseers.

The only attempt to introduce a control in any degree wider, and likely to be more systematic and intelligent, than that of the parochial officers, was the giving a certain administrative as well as judicial authority to the *justices of the peace* individually, not acting in petty sessions, having jurisdiction over the district in which the parish lay. The statute of Elizabeth gives them authority to appoint the overseers, whom it directs "from time to time, *by and with the consent of two justices of the peace*, to take order for" the performance of all the essential duties imposed by the statute; viz. the making the rate, the setting the children and others to work, apprenticing the former, and

administering necessary relief to the impotent poor. Two justices are to inspect the overseers' accounts, and to empower the levying of the money assessed; while the justices at quarter sessions are to make sundry general regulations, and are to receive and adjudicate on appeals against the rate.

The 22 Geo. 3. c. 93., and the Poor Law Amendment Act, provide for the placing single parishes under the control of *boards of guardians;* but, as the constitution of such boards is chiefly designed for the government of combinations or unions of parishes, no material differences exist in the functions of the guardians, whether appointed for single parishes or unions. Their constitution is treated of under the next head.

District Administration. — The first attempt made by a general statute to counteract some of the evils attendant on the extreme minuteness of parishes, townships, and vills, was by the 9 Geo. 1. c. 7.; the statute in which the use of workhouses was first recognised, and adequate provisions made for the acquisition of them by parishes. It enacts (§ 4.), that "where any parish, town, or township shall be too small to purchase or have such a house for the poor of their own parish only, it shall be *lawful for two or more parishes,*" &c. (with consent of parishioners and vestry, and of a justice of the peace,) "*to unite* in purchasing, hiring, or taking such house, for the lodging, keeping, and maintaining the poor of the several parishes," &c. And it is further provided that *one parish may contract with another* to maintain its poor in such a house.

But many charters and local acts were in force in William III.'s reign, and some as early as that of Charles II., by which several parishes, especially in cities and corporate towns, were united, and certain officers (generally called guardians, wardens, or directors), with a head (usually called a governor), incorporated for the management of the poor. Such local acts became very numerous during the succeeding reigns, and began to be applied for in districts almost exclusively rural. At length a general act (the 22 Geo. 3. c. 83.), known as Gilbert's Act, enabled any two or more parishes to unite, whenever two thirds in number and value of the owners and occupiers of lands, tenements, and hereditaments within such parishes should signify, in the manner prescribed, their approbation of the provisions of the act; the consent of two justices being had to the union. Upon the union being effected, the justices of the peace may appoint annually, from persons nominated by the owners and occupiers, a guardian for each parish. It was a vice in the constitution of the Gilbert's Act unions, from which that of many of the incorporations governed under local acts were free, that the guardians elected by each parish had the control, without the concurrence of the other guardians of the union, of all the out-door relief administered to its paupers. The benefit of a uniform system was thus wholly sacrificed, and the individual caprice of the guardians, less subject to control than that of the overseers, was only substituted for it.

The guardians under Gilbert's Act are paid officers; not that there is any direct authority for their payment in the body of the act, but the form of agreement given in the schedule of the act for several

parishes to unite contains a provision for an annual salary to the guardian.

The guardians wholly supersede the overseers and vestry "in the care and management of the poor," but the churchwardens and overseers are "to continue to have and be invested with the same powers of making and collecting poor's rates, and shall be subject to the like penalties for neglect or misbehaviour in making and collecting such rates, as they were at the time of passing the act." (§ 7.)

An attempt was made to secure uniformity in the administration of the several parishes united under this act, by authorising (§ 10.) the guardians to nominate, and the justices to appoint, a *Visitor*,—a general officer, having power "to superintend the workhouses of the union; to settle and adjust the accounts of the guardians, and of the treasurer, in case of dispute; and also to settle and adjust all doubts arising concerning the persons who ought to be sent to the workhouse, and, by every prudent means in his power, to enforce the regulations and provisions formed under the act for the better accommodation and relief of the poor, and the preventing all unnecessary expenses and burdens on the united parishes," &c. These powers, expressed with such generality, might have been considered to extend to the regulation of relief out of the workhouse; but the universal practice in these unions is to leave to the guardians of each parish an undisputed authority in this, which is the most dangerous portion of the administration, and that therefore which requires the most systematic and uniform control. As an inducement for the acceptance of the office, the visitor is discharged from the service of the office of constable and all parochial offices, and from serving on juries at assizes or quarter sessions.

This act gives many facilities for procuring workhouses, and makes many peculiar provisions for the relief of the poor, two of which have been already adverted to in the preceding history of the Poor Laws; namely, that in the 29th section, by which none but impotent adults and orphan children can be sent to the workhouse (which by this act is called a poorhouse); a provision utterly at variance with the intention and effect of all other general statutes relating to workhouses; and that in the 32d, by which the guardian is compelled, under penalties, to find for any person professing to be able and willing to work "employment *suited to his or her strength or capacity, near the place of his or her residence; and to cause such person to be properly maintained, lodged, and provided for until such employment be procured, and during the time of such work;* and *to receive the money to be earned by such work, and apply it in such maintenance, as far as the same will go, and make up the deficiency, if any.*" Such a monstrous provision, dispensing with all necessity of exertion on the part of the able-bodied, could not fail of producing, as it has in all those unions where its existence is known to the labourers, a perfect indifference, or rather repugnance, to regular employment.

It was not by experience of the success of the unions joined under Gilbert's Act, that the adoption, by the Poor Law Amendment Act, of the system of district or union management was justified: on the

contrary, the operation of Gilbert's Act, in the unions formed under it, had in no way proved better than that of the act of Elizabeth in the hands of overseers; and in many cases, and in many respects, worse. The Poor Law Amendment Act, in fact, revives the policy of the 9 Geo. 1. c. 7. in a more systematic manner: that policy being, to enable several parishes, by combination, to obtain the instruments of good government, which singly they could not afford.

The Poor Law Amendment Act, however, extends this principle of the 9 Geo. 1. beyond the mere object of facilitating the acquisition of a workhouse, to the obtaining of efficient officers, and to the transaction of many other affairs; such, for instance, as the making of contracts on a larger, and therefore more beneficial, scale than can be done by single parishes. It also contemplates the attainment of an object as foreign to that of Gilbert's Act as is that of obtaining an efficient workhouse; namely, the rendering of the system of relief, whether given in or out of a workhouse, uniform over large districts; and, by collecting in one board the interests, the information, and energy of the guardians of several parishes, the securing the adequate motives and means for the discovery, adoption, and permanent retention of all attainable improvements in administration; which when occasionally effected in single parishes have been in almost every instance abandoned when the single individual to whose talent or energy they were owing, ceased from any cause to take a part or to have an active influence in the administration.

The Poor Law Amendment Act provides for the formation of four species of unions.

1. The *unions for the purpose of providing a common workhouse* may be declared at the discretion of the Commissioners appointed under the act, who, when such union is proposed, are to ascertain the expense incurred by each parish for three years preceding the inquiry, and are thereupon to calculate the annual average expense of each; and this average, until varied or altered, is to constitute the scale or proportion in which each parish is to contribute to a common fund, for the following purposes: — 1. for the purchasing, building, hiring, or altering, and for upholding and maintaining, of any workhouse or other place for the reception of the poor; 2. for purchasing or renting lands or tenements under the act; 3. for the payment of the officers of the union; 4. for the providing utensils and materials for setting the poor to work; and, generally, for any other expense for the common benefit of the parishes of the union. (§ 28.)

The workhouses thus paid for out of a common fund are devoted to the reception, maintenance, and employment therein of the poor of each parish of the union, in the same manner as if the houses belonged exclusively to the parishes to which such poor are respectively chargeable. (§ 26.) The same rule holds as to the title of each parish to the services of the paid officers.

But it is expressly provided that, in this species of union, "each parish shall be separately chargeable with, and liable to defray the expense of, its own poor, whether relieved in or out of any such workhouse." (§ 26.)

This union, therefore, only facilitates the attainment of certain common instruments, at a common expense, but does not alter or directly affect the liabilities of each parish, with respect to the burden of relieving its own poor; and the disproportions, as to the number and expense of the poor existing between parish and parish at the commencement of a union, may, by possibility, remain for ever unaltered. But, as a first stage of combination, and until a common principle of administration has brought, as it tends inevitably to do, the number of paupers of every parish to a similar proportion to its population and resources, the arrangement described secures each parish against any participation in the consequences of the past administration of its neighbours. Those parishes therefore which, up to the period of union, have kept their burdens low, contribute in a low proportion to the averages, and preserve only their own burdens; and have nothing to apprehend from a junction with parishes in a state more pauperised, for the purposes contemplated in the constitution of this species of union.

2. The second species of *unions* are those *for the purposes of settlement.*

This is a further stage of combination of parishes, which may be brought about in any union already existing, for the purposes last described, by agreement, in writing, of all the guardians; or, when a parish in such union is not represented by a guardian, by a majority of rate-payers and owners of such parish; subject, however, to the approbation of the Commissioners, testified by affixing their signature and seal to the agreement.

In the unions last described, each parish retains the burden of its own poor. In unions of the kind now in question, the settlement (or right to be relieved) of any person in any of the united parishes, is from the period of union to be considered, as between those parishes, a settlement in the whole union; and all expenses of relief to such person become a part of the general expenses, to be paid out of a common fund contributed to by all the parishes in proportion, and to be ascertained in the manner described under the last head. (§ 33.)

Before this stage of combination is arrived at, the parishes in a union remain as little interested in the amount of the burdens of the neighbouring parishes as if they were utterly unconnected; and each has the same interest in casting on another the burden of maintaining its own paupers. Litigation is therefore as likely to arise between such parishes as between those most distant, except in as far as improved administration may tend to prevent it. But the identification of the interests of the several parishes of a union for the purposes of settlement renders each equally concerned in diminishing the general burden; and litigation upon that which is by far the most fruitful source of dispute, the settlement of paupers, is rendered, as between one parish in the union and another, impossible.

3. Still, at this stage of union, each parish would have to raise its own proportion of the common fund, and would retain its own machinery for assessment of property liable to be rated, and its consequent irregularities of rating; the chief remaining source of the

litigation arising in the administration of the poor laws. For the remedy of all anomalies and grounds of dispute arising from this cause, and for the complete identification in interest of all the members of any combination of parishes, a third species of *union, for the purposes of rating*, is provided for. As in the formation of unions for the purposes of settlement, the consent of the guardians of all the parishes to be united is required; or, where a parish is not represented by a guardian, of the majority of rate-payers and owners; and the concurrence of the Commissioners is to be testified by their hands and seals;—thereupon the united parishes are to be considered as one parish, for the purposes of raising in common the funds for relief of the poor of the union (§ 34.); and the guardians are directed, subject to regulations to be prescribed by the Commissioners, to proceed to ascertain and assess the property in the several parishes rateable to the poor, and to cause surveys and valuations to be made (§ 35.); the expenses of such surveys and valuations being a common charge. (§ 36.)

Rates made on such valuations are to be allowed and recovered as rates of single parishes now are; and the rate-payers are to have a like power of appeal against them as they now have against parish rates. (§ 35.)

After such common rate comes into operation, all proportions of contribution, fixed at the period when the parishes were originally united, are to cease wholly (§ 36.); and all expenditure, chargeable in respect of the relief of the poor in the respective parishes, is to be deemed the common expenditure out of the common fund raised under the common rate.

This is the most complete and perfect state of union which can be effected between parishes; as it abolishes alike all distinctions as to the settlement of the poor, as it does also with respect to the arrangement by which the means of supporting them are to be obtained.

4. The fourth species of *unions* is created *for* an extremely limited, but important, purpose; viz., that of *appointing and paying officers*. This species of union may contain several parishes, or several unions, or several of both. It does not impose on the respective parishes any common charge, either as regards the workhouse, the settlement of the poor, or in the making of the rates: it merely provides for the case where either a single parish or union cannot economically or advantageously employ a given officer, or where it is more advisable that the officer's exclusive attention should be devoted to his office, occupying him on a large scale. This is peculiarly the case with auditors, whose office requires a special skill, they having to decide on the legality of charges as well as to ascertain the numerical accuracy of accounts; a skill hard to find, and which will never be acquired for the purpose or in the practice of auditing the accounts of a single union, however large; a task which, moreover, would only engage time sufficient to interfere injuriously with any regular occupation. In this, as in many other instances, therefore, for the sake of enlarged experience and exclusive attention on the part of the officer, and of economising their funds, any number of parishes and unions may be

united for the purpose only of appointing and paying officers to assist in the administration of the relief and employment of the poor, for the examining and auditing of accounts, and otherwise carrying the provisions of the act into execution. (§ 46.)

Of these four species of unions, the three first are to be governed by *boards of guardians;* which, immediately that any parishes are united for the administration of relief, are to be constituted and chosen to govern the common workhouses, and to administer relief. (§ 38.) Each parish is entitled to choose one guardian, at least; but the number assigned to each parish is to be determined by reference to its circumstances. The qualification of the guardians is to be fixed, as to its actual amount, by the Commissioners; but is to consist essentially in being rated to the relief of the poor in some parish in the union, it not being necessary that the candidate should be rated in the parish for which he is to serve. It is provided that the qualification shall in no case be fixed so as to require an annual rental of more than 40*l.* The same person may be elected for successive years, and for more than one parish; but, in the latter case, he is not entitled to a plurality of votes in proportion to the number of parishes he may represent. (§ 38.)

The guardians are elected by the *owners of property* and *rate-payers*, in a manner which has given rise to much discussion. It is found by experience that, although the rates are directly paid by the occupiers, the burden of maintaining the poor falls ultimately on the owner of the property subject to the assessment; and that, although the rates might be, and had in many instances been, so increased as to render it impossible for the tenant to pay any rent, it was impossible to increase them beyond this extent; as immediately that they began to exceed the annual value of the property to the tenant, the property ceased to be occupied. On the same principle, it is found that the lower the rates, the more is realised by the owner of the property; the tenant, in all ordinary cases, paying the full consideration in value for the use of the property, whether he paid it in one sum as rent, or partly in rent and partly in rates. It was seen, in many parishes, that the land was held with the usual profit to the tenants, although the rates had so increased that it was impossible to hold the land paying rent, and the rent had consequently ceased to be paid.

In the case where the tenant has to any extent a permanent interest in rateable property, as during a term, during which his rent can neither be increased nor lessened, he is interested in the reducing of the rates, as he thereby diminishes the aggregate of his payments for his occupation, and as his landlord cannot, during the interval, claim any surplus profits or rent beyond the amount originally agreed upon. But even in this case his interest is only in the proportion which his term bears to the fee simple of the ultimate owners. It is, however, incontestable, that the occupier is interested in the repression of pauperism in as far as he is interested in the moral condition of the labourers he may have occasion to employ, and of his general neighbourhood; but this is an interest so much less easily recognised than that which a man feels in his annual income, that it cannot be much relied on as a motive by which an election of guardians can

be influenced. The case is wholly different from that in which political rights generally are concerned; in which all are nearly equally interested, or, perhaps, the poor man most, who has the least interest in the land or any other rateable property. In the administration of a tax levied on a definite class of property, and on definite individuals, none are so immediately interested in its cautious and beneficial application as those who must be immediately benefited by a judicious application of the tax, or must directly suffer by the contrary course. To give to all who are interested in political rights a power of influencing the administration of a fund so levied, would be to enable a class contributing little or nothing to it, and by far the most numerous, a power to dispose, without check, of the property of another and far less numerous class. The effect of such an arrangement has been abundantly exemplified in the case of open vestries, where those benefited only by the expenditure of the rate, and by the misapplication of the law, have usually had the control, to the exclusion of the persons most nearly concerned in its administration.

Gilbert's Act (the 22 Geo. 3. c. 83.) enabled the *owners of property*, as well as the rate-payers, to vote for the adoption of the act, and in the election of guardians. An act known as Sturges Bourne's General Vestry Act (the 58 Geo. 3. c. 69.) introduced the system of a plurality of votes, as far as the rate-payers only are concerned; giving one vote for every 25*l.* of annual value of the property assessed, until the number of votes amounts to six, the highest number which any voter can have. This last act, although it embodies an attempt to give an influence in the divisions of the vestry proportionate to the property to be affected, gives that influence not to the person most permanently and really interested in it, the owner, but to the person paying the rate, who has usually the most transitory interest in the property, and is not affected by its burdens.

The Poor Law Amendment Act contains a new arrangement, by which the interests of the mere tenant are attempted to be fully represented, while influence in the distribution of the rate is also attempted to be conferred on the owner, in some degree proportionate to his interest in the right administration of the law. The principle being, that while adequate means are provided by law to compel the performance of all that it requires, the actual administration shall be entrusted to or controlled by those whose interest it is that more than the law enjoins should not be done. The 40th section, therefore, confers on owners of property a right to vote in the election of guardians, and, in certain other cases, in the proportion ascertained by Sturges Bourne's Act for rate-payers; that is, to give one vote for every 25*l.* in annual value of rateable property, until the votes amount to six, the highest number allowed to any person as owner. An owner, who is also a *bonâ fide* occupier paying rates, may, however, vote in both characters. Being equally interested in his rent, whether resident in the parish or not, he is entitled to appoint a proxy to vote for him as owner, but not as occupier. (§ 40.)

It will readily be seen that the legal owners have, in many cases, so encumbered their property, or parted to such an extent with all beneficial interest in it, that they have lost all interest in the profits de-

rivable from it. The act therefore gives to leaseholders having a beneficial interest to the extent of one-third of the annual value of the property let to them, and to persons receiving two-thirds of the annual value, on their own account or as mortgagees or other encumbrancers in possession, the right to vote as if they were actually owners. (§ 109., *voce* "Owner.")

Rate-payers merely, as being less interested in the careful administration of the rates, are entitled to less votes in proportion to the property in their occupation. Rate-payers having been rated a year, and paid all rates due previous to the last six months, are entitled to give one vote, when rated at any sum under 200*l.*; when rated at 200*l.*, but under 400*l.*, two votes; at 400*l.*, or more, three votes. Though, in respect of any given property exceeding in annual value 50*l.*, the owner has more votes than the tenant, still, under ordinary circumstances, the votes of the rate-payers of a parish greatly exceed in number the votes of the owners of the property they occupy; every rate-payer, however small his property, having one vote; while the owner's property, however large, and although occupied, as is mostly the case, by much more than six rate-payers, can never confer on him more than six votes. The interests of the rate-payers are, in another respect, secured by the qualification which excludes mere owners from becoming guardians, who must be payers of rates within the union.

The *guardians* elected by this constituency *continue in office* until the 25th of March following their appointment, or until others are appointed in their stead. (§ 38.) Any justice of the peace resident in any parish in a union, and acting for the county in which it is situate, is *ex officio* a member of the board of guardians. The whole body of guardians have the exclusive ordering, giving, and directing of all relief in the union; and can in the performance of this, as of all their general duties, only act as members and at meetings of a board at which three must be present and concur in every act. The acts of a board bind the absent members, and bind also the parishes of the union who may not have elected guardians, or of which the guardians may have resigned, disqualified, or died. (§ 38.)

The local administration (that of parishes, by means of overseers, assistant-overseers, vestries of various kinds, and by guardians; and that of districts or unions, created for various purposes, and regulated by boards, guardians, or analogous bodies;) has been described. Another branch of local administration, of very limited extent, is that of *justices of peace*, not acting in a judicial, but in a ministerial or merely administrative capacity; as in the allowance of the poor-rates, in enforcing their levy, in appointing overseers and assistant-overseers, in binding parish apprentices, &c. In the performance of these acts, justices of the county sometimes act as individuals at their own residences; sometimes in districts or divisions of petty sessions, formed for convenience in transacting such business as requires the concurrence of two justices; but which divisions have no fixed relation to the division of parishes, townships, or vills.

A general or central Authority for Purposes of Administration is only recently established. This consists of a board of three persons,

to be appointed by the Queen, by warrant under the sign manual, and styled at first *the Poor Law Commissioners for England and Wales*, but now, since the Irish Poor Relief Act was passed, styled simply the Poor Law Commissioners. They are removable at the Queen's pleasure, and are to hold office, under the present act, for no longer period than five years after it received the royal assent, and thenceforth to the end of the next session of Parliament. (§§ 1, 2.)

They are appointed to direct and control the administration of relief to the poor throughout England and Wales, according to the laws in force at the time being (§ 15.), and for this purpose are to sit as a board; two of them constituting a board. (§ 2.) They have ample powers to make inquiries connected with the relief of the poor, and to compel answers and returns. (§§ 2. 12, 13. 85.)

They are to make and issue rules, orders, and regulations for the control of subordinate officers; to determine the kind and quantity of relief to be given to the various classes of poor, especially the able-bodied. (§ 52.) They are at their own discretion to declare unions for the purposes of administration merely, and for appointing and paying officers (§§ 26. 46.); and, with the consent of guardians, or of a majority of owners and rate-payers, to declare unions for settlement (§ 33.) and rating. (§ 34.) They are to make rules for the building, altering, and government of workhouses (§§ 15. 42.); for the education of children therein (§ 15.); for the guidance and control of guardians, vestries, and parish officers; and for the appointment by overseers and guardians of such paid officers, with such qualifications as they may think necessary (§ 46.); for the regulation of contracts (§ 49.); and, generally, they are to control all persons exercising any powers in any way relating to the relief of the poor. (§ 21.) For the better performance of these extensive duties, they are enabled to appoint nine assistant-commissioners (§ 7.), and with the consent of the Lords of the Treasury a greater number, to whom they may delegate such of their powers as they may think fit, except the power to make general rules. (§ 12.)

The summonses and orders of the Commissioners, or their assistants, are enforced by penalties provided in case of neglect or disobedience. (§ 96.) The Commissioners' general rules and orders, that is, rules and orders applicable to several unions, or to several parishes not in union, or not to be united by virtue of such orders, must be sent to one of the principal Secretaries of State forty days before they take effect; and may at any time be disallowed by her Majesty, with the advice of her Privy Council. (§ 16.) All general rules in force must be laid before Parliament within one week after the commencement of the session. (§ 17.)

The Commissioners are likewise to give such information respecting their proceedings, or any part of them, to the Secretary of State, as he may from time to time direct and require. (§ 6.) They are also to make a record of their proceedings, to be submitted to the Secretary of State once a year, or oftener if required; and are to submit, yearly, a general report of their proceedings, to be laid before Parliament. (§ 5.)

The *judicial control* to which the administrative officers are im-

mediately subject is, first, that of the justices of the peace; secondly, that of the Queen's Bench.

Besides the administrative or ministerial functions before described, the *justices of the peace* have (chiefly at quarter sessions) judicial authority over most of the acts to be performed by the overseers. Thus the rates made by overseers may be appealed against at quarter sessions, and to a limited extent at special petty sessions. Removals of paupers take place on the adjudication by two justices that the pauper is chargeable to one parish, and is legally settled in that to which the removal is made; and appeal may be made from this adjudication to the justices assembled at quarter sessions. Two justices may order the persons liable under the 43 Eliz. c. 2. s. 7. to maintain their actual relations. Two justices may direct adult persons, unable to work through old age or infirmity, to be relieved out of the workhouse of a union. (4 & 5 W. 4. c. 76. s. 27.) One justice may order medical or other necessary relief in urgent cases, even where a board of guardians are appointed. (§ 54.)

The Court of Queen's Bench has control over all officers by means of its writs of *mandamus* and *quo warranto*, by which it can compel the specific performance of duties by officers, or restrain them when they have usurped authority. It also obtains jurisdiction in cases before the justices of peace at quarter sessions by means of its writ of *certiorari* (by which it directs the inferior court to remove any matter in contest into the superior court), and also by means of the statement of special cases, where the court of quarter sessions may desire to obtain the opinion of the Court of Queen's Bench on any matter of law depending, and of which a reasonable doubt is entertained: special verdicts have the same effect. All officers are likewise subject to private action where any special damage is done to an individual by the improper execution of their office; and, also, indictment for a misdemeanor for non-performance or neglect of their official duties, or for misfeasance in their performance. Overseers are, in this latter manner, punishable both for neglecting to give relief where it is necessary, or for giving it where it is unnecessary.

The Poor Law Commissioners and their assistants, besides being liable to the usual responsibilities of officers for the performance of their duties without unnecessary prejudice to the right of individuals or of the public (in respect of which, however, some protections are afforded them, § 104.), are subject immediately to the control of the Queen's Bench in the matter of the rules, orders, and regulations which they are authorised to make and issue. It is provided by the 105th section, that no rule, order, or regulation of the Commissioners, or their assistants, shall be removable by writ of *certiorari* into any other court. This court may declare any such rule, order, or regulation illegal; but, until so declared, it is to continue in full force, and be obeyed and enforced, as if it had not been removed. No person can be prosecuted by indictment or civil action for any thing done in pursuance of such rule, before he has notice that it has been quashed as illegal. (§ 108.)

The foregoing statement — describing the classes entitled to relief, the means provided for that purpose, the different orders of adminis-

trative officers, and the executive and judicial control to which they are subject—is a general picture of a very complex system; into which a principle of unity has only recently been introduced by the Poor Law Amendment Act, which, as it constitutes unquestionably an epoch of the greatest importance in legislation on the subject, was the point at which the preceding history of the law was broken off; and which will now be resumed for the purpose of showing some of the effects of the recent modifications of the system.

Operation of the System as modified by the Poor Law Amendment Act.

In conformity with the provisions of the Poor Law Amendment Act, which received the royal assent on the 14th of August, 1834, the Commissioners were appointed on the 18th of that month: and, in further conformity with the act, the Commissioners have since made to Parliament four Annual General Reports.

The Commissioners report, that when they came into office they found great misapprehensions existing as to the state of the law; many of the local officers having ceased altogether to give relief, in the belief that their power was superseded. The Commissioners found full occupation for some time during the winter of 1834-5 in attempting to dispel these misapprehensions, and in giving explanations of the operation of the new law, by means of correspondence, circulars, and explanations to deputations.

The Commissioners, having previously, in the month of December, appointed nine assistant-commissioners (which number was afterwards, with the consent of the Lords of the Treasury, increased, for the temporary emergency, to twenty-one, and has, on account of the Irish Poor Relief Bill, the execution of which was entrusted to the Commissioners in the autumn of 1838, been further increased to twenty-six), proceeded in the spring of 1835 to introduce the workhouse system, and the administrative organisation prescribed by the act. The Commissioners thus describe this part of their proceedings:—

"The principle which we have adopted for the selection of the districts for our proceedings in the formation of unions, has been to commence with those in which vicious modes of administration had become the most deeply rooted, and where the pauperised classes were the most demoralised, and the burdens of the rate-payers were the heaviest. It was, however, soon perceived in practice, that the amount of the pecuniary burden beyond the general average of the amount of rates per head on the population of England and Wales, formed the most correct index of the relative amount of disorder arising in a district from mal-administration.

"The deviations which we have allowed ourselves to make from the strict order of the relative pecuniary burden of the districts proceeded with, have been chiefly occasioned by special applications, or by the occurrence of particular exigencies. The selection of the part of Berks, first visited, was occasioned by a special application for the formation of a union. Our assistant-commissioner first visited West Sussex upon an application of the local authorities, in consequence of a commotion which had arisen, apparently on the approach

of the change of system in the administration of relief, but really in consequence of the reduction of the ordinary wages of labour. Our first proceedings, which led to the formation of the Wycombe and other unions, in the county of Buckingham, were taken in consequence of a forcible appeal to us for the exercise of our functions from the pauper labourers of the parish of Bledlow. Our early intervention in Wiltshire was occasioned by a demand for assistance, in consequence of acts of incendiarism and threatened disturbances, arising from the continuance of abusive modes of administration near Calne; and by an appeal from Colonel Napier and other gentlemen, for the protection of some aged paupers from cruelties or neglect, in the parish of Freshford, now included in the Bradford union. The proceedings which led to the formation of the first union of parishes in the county of Middlesex (the Hendon union) were occasioned by an appeal from the magistrates of the Hendon division, to correct the mismanagement of paupers in the Harrow workhouse; for the abatement of which evils the powers of the magistrates, under the old law, were deemed inadequate. Our first direct intervention by the appointment of a Board of Guardians in a metropolitan parish, was called for by a large proportion of the rate-payers, to restore peace, and to insure good management in the parish, which was torn by dissensions. The applications of a similar description have been numerous beyond our power of immediate compliance.

"In several instances, however, where we have so far complied with them, that we have caused an assistant-commissioner to visit the district, it having been found, upon examination, that although evils of the kind complained of did exist, yet that in amount they were greatly below the evils in action elsewhere, we directed a suspension of proceedings in favour of the most heavily burdened districts.

"Having put our assistant-commissioners in possession of our views, and of the general information contained in the Reports of the late Commissioners of Inquiry, and all the local information and statistics which our office could furnish relating to the parishes and districts assigned to them, they proceeded to re-examine every parish; 1st, with relation to the description and pressure of any existing evils in the administration of relief in the parish; 2dly, as to the means existing within the parish of remedying such evils; 3dly, as to the remedies available by means of a union with other parishes, and as to the extent of the union requisite and practicable for the most efficient and economical administration on sound principles. Upon this examination, the assistant-commissioner is required to prepare a written report to the board, setting forth the measures which he recommends for adoption, and referring to the evidence on which the recommendation of each measure is founded. Where the formation of a union is recommended, a considerable portion of the data collected is reduced to a tabular form. In many instances, we find it necessary to hold a personal conference with the assistant-commissioner before determining on the measures proposed, and as to his general course of proceedings."

After having spent about nine months in preliminary inquiries and other preparatory measures, the Commissioners appear to have suc-

ceeded in placing under new boards of guardians a very large proportion of all the parishes in England and Wales. The number of parishes and parochial places, or townships and vills, supporting their own poor in England and Wales, is 15,535.

The following table will give a connected view of the whole of the parishes in England and Wales, their population, and their organisation; whether under the statute of Elizabeth, under local acts or general acts of incorporation, or under select vestries: —

A TABLE showing the Number of Parishes, &c. in each County in England and Wales, with the Population, according to the Census of 1831; distinguishing the Number of Parishes united under the Provisions of the Poor Law Amendment Act, the Number not so united, and the Number of those incorporated under Gilbert's Act, and other local Acts, to the date of this Report.

Counties.	Total Number of Parishes in each.	Population in 1831.	Number of Parishes, &c. placed under Poor Law Amendment Act.	Population in 1831.	Number of Parishes, &c. not so united.	Population in 1831.	Number of Parishes, &c. in Union under Gilbert's Act.	Single Parishes under Gilbert's Act.	Number of Parishes, &c. in Union under Local Acts.	Single Parishes under Local Acts.	Other Parishes, &c. not yet united.
ENGLAND.											
Bedford	134	95,483	134	95,483							
Berks	189	145,389	189	145,389							
Buckingham	223	146,529	223	146,529							
Cambridge	175	143,955	174	141,900	1	2,055	-	-	-	-	1
Chester	487	334,391	478	312,428	9	21,363	-	-	9		
Cornwall	216	300,938	216	300,938							
Cumberland	203	169,681	133	110,878	70	58,803	-	1	-	-	69
Derby	310	237,170	250	215,412	60	21,758	31	-	-	-	29
Devon	472	494,478	447	400,273	25	94,205	-	-	24	1	
Dorset	284	159,252	284	159,252							
Durham	280	253,910	280	253,910							
Essex	412	317,507	412	317,507							
Gloucester	382	387,019	355	282,299	27	104,720	-	-	26	-	1
Hereford	255	111,211	255	111,211							
Hertford	141	143,341	141	143,341							
Huntingdon	106	53,192	106	53,192							
Kent	423	479,155	407	464,778	16	14,377	-	-	16		
Lancaster	449	1,336,854	382	942,312	67	394,542	18	-	-	1	48
Leicester	308	197,003	301	194,556	7	2,447	7				
Lincoln	705	317,465	705	317,465							
Middlesex	210	1,358,330	196	754,168	14	604,162	-	-	-	5	3
Monmouth	145	98,130	145	98,130							
Norfolk	727	390,054	595	292,858	132	97,196	-	2	130		
Northampton	334	179,336	332	178,125	2	1,211	-	-	-	-	2
Northumberland	492	222,912	492	222,912							
Nottingham	263	225,327	263	225,327							
Oxford	286	152,156	272	131,637	14	20,519	-	-	13	-	1
Rutland	53	19,385	53	19,385							
Salop	258	222,938	236	174,909	22	48,039	-	-	21	1	
Somerset	488	404,200	488	404,200							
Southampton	334	314,280	286	240,641	48	73,639	9	1	36	-	2
Stafford	239	410,512	212	402,218	27	8,294	14	-	-	-	13
Suffolk	509	296,317	455	259,978	54	36,339	-	-	54		
Surrey	150	486,334	144	476,518	6	9,816	3	1	-	-	2
Sussex	315	272,310	263	201,483	52	70,857	36	-	11	1	4
Warwick	216	336,610	237	191,158	9	145,452	5	-	2	1	1
Westmoreland	108	55,041	108	55,041							
Wilts	334	240,156	328	229,827	6	10,329	-	-	3	-	3
Worcester	218	211,365	218	211,365							
York, East Riding	418	204,253	386	162,986	32	41,267	22	-	2	-	8
North Riding	519	190,756	467	171,853	52	18,903	14	-	-	-	38
West Riding	641	976,350	355	669,255	286	307,095	124	-	-	1	161
Totals of England	13,441	13,091,005	12,403	10,883,617	1,038	2,207,388	283	5	353	11	386
WALES.											
Anglesey	72	48,325	72	48,325							
Brecon	103	47,763	103	47,763							
Cardigan	96	64,780	96	64,780							
Carmarthen	102	100,740	102	100,740							
Carnarvon	73	66,448	73	66,448							
Denbigh	85	83,629	83	80,327	2	3,302	-	-	2		
Flint	40	60,012	40	60,012							
Glamorgan	165	126,612	164	126,445	1	167	-	-	-	-	1
Merioneth	34	35,315	34	35,315							
Montgomery	69	66,482	47	49,416	22	17,066	-	-	9	-	13
Pembroke	148	81,425	148	81,425							
Radnor	62	24,651	62	24,651							
Totals of Wales	1,049	806,182	1,024	785,647	25	20,535	-	-	11	-	14
Totals of England and Wales	14,490	13,897,187	13,427	11,669,264	1,063	2,227,923	283	5	364	11	400

As has been observed by a public writer*, fully conversant with the whole principles and operation of the measure, "when the reorganisation has taken place, instead of the overseers, or often the single overseer, who unites in his own person, and merges in himself all the checks afforded by the discharge of the functions of assessor, collector, treasurer, relieving officer, clerk, &c., the parish in union will have, —

"1. A paid collector, who assists in making the assessments, and collects the rates, who follows no other occupation, has no customers or tenants to serve, by excusing or delaying the collection of the rates, which, when collected, are paid into the hands of, —

"2. A treasurer, who, as he gives security (and in some instances interest will be given for the deposits), the rate-payers are exempt from the inducements to profusion to obtain large balances, as well as from the risks arising from the frequent defaults of the unpaid overseers in trade making use of the money, or from the farmer turning it to account during hay-time and harvest. This money is administered by, —

"3. Guardians, chosen, not by promiscuous assemblages in vestry, or by the magistrates, but freely by all the rate-payers within the union, on a mode of election which enables every one to vote calmly and deliberately, without sacrifice of time in attending at a polling booth.

"The guardians are, in respect of education, interest in good management, and station, far superior to the overseers, as might be expected from the choice being from a wider district. At these local boards, the chief occupiers and the chief owners, the yeomanry, gentry, and, we may add, the nobility, meet and act together. This is the first time, we believe, in the history of the country, that these classes have ever met habitually in the rural districts for the transaction of public business. Amongst the peers who act as chairmen to the boards of guardians, are — the Duke of Richmond, the Duke of Rutland, the Earl of Liverpool, the Earl of Kerry, Lord Barrington, Lord Radnor, Lord Ellenborough, Lord Salisbury, the Marquis of Exeter, Lord Ebrington, Lord Braybroke, Lord Northampton, and a number of others, of every party in the state.† This intercommunion of the most intelligent men of the different classes and parties within each district must itself be productive of the most beneficial consequences.

"These guardians superintend and control the distribution of relief, and execution of the law, by a staff of carefully appointed paid officers, consisting of a clerk, and of relieving officers, masters of workhouses, matrons, schoolmasters, who devote their whole time to the performance of their duties. To these are added, medical officers and chaplains; and, above all, an auditor."

The results in practice have fully justified the soundness of the principles on which the consolidation of parishes into large unions was recommended.‡

"These results are indicated by the pecuniary savings in the larger, as compared with the smaller unions, which have been for any length of time in operation.

"Of the 120 unions which have been the longest in operation — taking the 20 unions which are positively the largest, as regards the population, area, and rates, and comparing them with 20 of the smallest unions — the results are as follows: —

20 *Largest Unions.*

Average Expenditure.	Saving.	Rate per Cent.
336,172*l.*	204,618*l.*	60¾

20 *Smallest Unions.*

Average Expenditure.	Saving.	Rate per Cent.
121,475*l.*	37,361*l.*	29

"On extending the classes from which the results are taken, the effects of management upon a large scale appear to be proportionately striking. On comparing the

* In a late number of the *Edinburgh Review.*

† See for a complete list of unions, and their chairmen, vice-chairmen, clerks, and auditors, the Commissioners' *Fourth Report*, App. C. p. 309.

‡ We again cite from the writer in the *Edinburgh Review.*

effects of the 30 positively largest, the 30 intermediate, and the 30 positively smallest unions out of the 120, the results appears to be as follows: —

30 *Largest Unions.*

Average Expenditure.	Saving.	Rate per Cent.
454,496*l.*	269,840*l.*	59½

30 *Intermediate Unions.*

Average Expenditure.	Saving.	Rate per Cent.
282,090*l.*	121,808*l.*	43¼

30 *Smallest Unions.*

Average Expenditure.	Saving.	Rate per Cent.
192,033*l.*	60,597*l.*	31½ "

The more important effects of the measure on the labourers are thus stated by the same writer: —

" The effect of the progressive discontinuance of the allowance system, and the entire cessation of out-door relief to the able-bodied, has been to cause the absorption of almost the whole of the surplus of able-bodied labourers. For example, in the 4 following unions in the county of Kent, the effects of the measure have been as undermentioned: —

Name of Union.	Total Number of able-bodied Paupers at the Formation of Union.	Number of able-bodied Paupers in June instant.	Population.
Milton - - -	291	1	10,689
Bridge - - -	272	1	9,244
Blean - - -	241	1	10,639
River - - -	150	2	10,837
Totals - -	954	5	41,409

" Close inquiries have been made as to what has become of these labourers; and it is found that nearly the whole of them are accounted for as at work within their parishes. Only about half-a-dozen men in each union have quitted it in search of work elsewhere. These were fellows whom no one could entrust in their farms. It is presumed that they have most of them gone to places where they may renew their characters. One or two of them have gone to seek glory and pay in the service of the Queen of Spain.

" The county of Sussex is the one which was the most deeply pauperised in the whole country; and from recent official returns from that county, we are enabled to furnish a more complete exemplification of the operation of the new law: —

Name of Union.	Population.	Average Annual Rates at the Formation of the Union.	Rates for the Quarter.	Rate of Saving on Year.	Number of able-bodied Paupers at the Time of forming the Union.	Number of able-bodied Paupers in March last.	Number of able-bodied Paupers in June inst.
Uckfield - -	16,109	16,643	1,479	61½	218	8	
Cuckfield - -	12,017	17,139	2,156	46¾	419	45	
Chailey - - -	6,977	9,576	1,114	30¼	139	33	15
Eastbourne - -	7,823	11,964	1,410	40	265	12	
Hailsham - -	11,825	18,351	No return	- -	350	69	
West Firle - -	2,364	2,957	539	26	40	15	
Tinhurst - -	13,347	10,915	1,569	50	360	12	1
Battle - - -	12,068	14,235	1,413	33	608		
Lewes - - -	9,297	5,770	912	36	175	4	2
East Grinstead -	11,476	12,053	3,162	- -	658	43	3
Hastings - -	13,286	6,969	1,319	24½	266	13	6
Rye - - -	11,418	11,588	1,377	52	372	42	14
Westhourne - -	6,585	8,095	1,753	32	90	6	
Steyning - -	11,071	9,339	1,120	15	236	11	30
Thakham - -	7,311	9,796	1,313	30	542	25	
Horsham - -	12,270	14,663	1,776	57	454	51	1
Medhurst - -	12,239	17,556	1,478	66	306	20	
Petworth - -	9,042	12,286	995	32	382	71	52
Westhampnett -	15,017	16,457	1,687	49	216	18	
Newhaven - -	4,400	3,371	492	41	64	11	
Total -	205,936	229,643	27,044	45	6,160	554	124

The following table shows the present amount of *expenditure* in England and Wales, and affords the means of comparing, so far as the pecuniary results are concerned, the effects of the present and of the previous law: —

A TABLE showing the Amount of Money expended for the Relief and Maintenance England and Wales, during the Years ended on the 25th March, 1834, 1837, Increase in the Year 1838, as compared with the Years 1834 and 1837, respect- Population in 1831: also the Amount expended for Purposes other than the Parochial Assessment Acts), in the Years ended on the 25th March, 1835 and Total Amount of the Three Heads of Expenditure in the Years 1834 and 1838,

Counties.	Population in 1831.	Expended for the Relief and Maintenance of the Poor, during the Years ended 25th March.			Amount of Decrease in 1838, compared with 1834.	Amount of Decrease in 1838, compared with 1837.	Amount of Increase in 1838, compared with 1837.	Decrease per Cent. in 1838, compared with 1834.	Decrease per Cent. in 1838, compared with 1837.	Increase per Cent. in 1838, compared with 1837.
		1834.	1837.	1838.						
ENGLAND.		L.	L.	L.	L.	L.	L.			
Bedford	95,483	77,819	37,530	37,447	40,372	83	- -	52	- -	- -
Berks	145,389	100,183	56,618	59,286	40,897	- -	2,668	41	- -	5
Buckingham	146,529	124,900	63,329	61,634	62,566	1,695	- -	50	3	- -
Cambridge	143,955	96,497	62,722	58,587	37,910	4,135	- -	39	7	- -
Chester	334,391	92,610	67,917	70,688	21,952	- -	2,771	24	- -	4
Cornwall	300,938	93,037	70,653	71,247	21,790	- -	594	23	- -	1
Cumberland	169,681	43,067	32,598	32,513	10,554	85	- -	25	- -	- -
Derby	237,170	72,741	48,867	48,335	24,386	532	- -	34	1	- -
Devon	494,478	210,825	161,696	169,449	41,376	- -	7,753	20	- -	5
Dorset	159,252	84,293	58,967	63,531	20,762	- -	5,264	25	- -	9
Durham	253,910	79,399	60,594	61,369	18,030	- -	775	23	- -	1
Essex	317,507	239,946	148,654	149,356	90,590	- -	702	38	- -	- -
Gloucester	387,019	161,449	105,670	111,383	50,066	- -	5,713	31	- -	5
Hereford	111,211	56,683	39,218	35,801	20,882	3,417	- -	37	8	- -
Hertford	143,341	85,799	49,670	52,562	33,237	- -	2,892	39	- -	6
Huntingdon	53,192	35,844	21,676	25,188	10,656	- -	3,512	30	- -	16
Kent	479,155	343,878	185,503	174,020	169,858	11,483	- -	49	6	- -
Lancaster	1,336,854	253,405	183,790	218,558	34,847	- -	34,768	14	- -	19
Leicester	197,003	100,857	55,019	65,370	35,487	- -	10,351	35	- -	19
Lincoln	317,465	161,074	111,242	98,417	62,657	12,825	- -	39	12	- -
Middlesex	1,358,330	582,412	360,981	383,076	199,336	- -	22,095	34	- -	6
Monmouth	98,130	27,626	19,487	18,302	9,324	1,185	- -	34	6	- -
Norfolk	390,054	306,787	177,538	167,784	139,003	9,754	- -	45	5	- -
Northampton	179,336	140,179	74,072	77,163	63,016	- -	3,091	45	- -	4
Northumberland	222,912	71,983	59,363	61,446	10,537	- -	2,083	15	- -	4
Nottingham	225,327	66,030	46,562	55,003	11,027	- -	8,441	17	- -	18
Oxford	152,156	120,616	66,483	64,314	56,302	2,169	- -	47	3	- -
Rutland	19,385	9,008	6,170	6,722	2,286	- -	545	25	- -	9
Salop	222,938	82,493	56,351	51,506	30,987	4,845	- -	38	9	- -
Somerset	404,200	176,846	124,599	130,077	46,209	- -	5,378	26	- -	4
Southampton	314,290	203,466	123,840	125,275	78,191	- -	1,435	38	- -	1
Stafford	410,512	120,512	85,817	81,183	39,329	2,634	- -	33	3	- -
Suffolk	296,317	245,509	136,870	130,683	114,826	6,187	- -	47	5	- -
Surrey	486,334	261,501	151,959	154,937	106,564	- -	2,978	41	- -	2
Sussex	272,340	246,626	116,684	120,425	126,201	- -	3,741	51	- -	3
Warwick	336,610	158,159	98,910	108,183	49,976	- -	9,273	32	- -	9
Westmoreland	55,041	22,283	16,162	15,092	7,191	1,070	- -	32	7	- -
Wilts	240,156	173,925	105,451	113,444	60,481	- -	7,993	35	- -	8
Worcester	211,365	81,612	54,706	53,668	27,944	1,038	- -	34	2	- -
York, East Riding	204,253	91,111	66,339	64,624	26,487	1,715	- -	29	3	- -
York, North Riding	190,756	75,810	56,013	53,337	22,473	2,676	- -	30	5	- -
York, West Riding	976,350	251,821	179,610	200,519	51,302	- -	20,909	20	- -	12
Totals of England	13,091,005	6,029,371	3,803,309	3,901,504	2,127,867	67,528	165,723	35	- -	3
WALES.										
Anglesey	48,325	15,542	14,111	14,847	695	- -	736	4	- -	5
Brecon	47,763	18,974	15,493	12,946	6,028	2,547	- -	32	16	- -
Cardigan	64,780	18,625	16,753	16,592	2,033	161	- -	11	1	- -
Carmarthen	100,740	33,755	29,177	27,564	6,191	1,613	- -	18	6	- -
Carnarvon	66,448	20,136	18,941	18,803	1,333	138	- -	7	1	- -
Denbigh	83,629	33,136	28,187	24,800	8,336	3,387	- -	25	12	- -
Flint	60,012	19,566	15,158	12,962	6,604	2,196	- -	34	14	- -
Glamorgan	126,612	40,306	30,096	29,281	11,025	815	- -	27	3	- -
Merioneth	35,315	14,977	13,440	12,228	2,749	1,212	- -	18	9	- -
Montgomery	66,482	34,201	28,278	22,235	11,966	6,043	- -	35	21	- -
Pembroke	81,423	25,593	21,833	21,576	4,017	257	- -	16	1	- -
Radnor	24,651	13,072	9,965	8,266	4,806	1,699	- -	37	17	- -
Totals of Wales	806,182	287,883	241,432	222,100	65,783	20,068	736	23	8	- -
Totals of England and Wales	13,897,187	6,317,254	4,044,741	4,123,604	2,193,650	87,596	166,459	35	- -	2

of the Poor, and in the Removal of Paupers, Law Charges, &c., in each County in and 1838, respectively; specifying the Amount and Rate per Cent. of Decrease or ively, and the Rate per Head of Expenditure in those Years, with reference to the Relief of the Poor (exclusive of Payments made under the Registration and 1838; stating the decrease in the latter as compared with the former Year, and the showing the Total Decrease in the Year 1838.

Expenditure per Head, with reference to Population in 1831, for the Years ended 25th March.						Decrease per Head, in 1838, compared with 1834.		Expended in Law Charges, &c., during the Years ended 25th March.		Amount of Decrease in 1838, compared with 1834.	Decrease per Cent., in 1838.	Expended for Purposes other than the Relief of the Poor, in the Years ended 25th March.*		Amount of Decrease in 1838, compared with 1835.	Decrease, per Cent., in 1838.	Total Expenditure for the Relief of Poor, Law Charges, &c., and other Purposes, exclusive of Registration, &c., Years ended 25th March.		Total Decrease in Relief to Poor, Law Charges, &c., and other Purposes, Year ended 25th March 1838	Decrease, per Cent., upon the Three preceding Heads.
1834.		1837.		1838.				1834.	1838.			1835.†	1838.			1834.	1838.		
s.	d.	s.	d.	s.	d.	s.	d.	L.	L.	L.		L.	L.	L.		L.	L.	L.	
16	4	8	0	7	10	8	6	1,866	183	1,683	90	5,864	1,750	4,114	70	85,549	39,380	46,169	54
13	9	7	9	8	2	5	7	3,458	1,693	1,765	51	11,997	3,665	7,932	68	115,238	64,644	50,594	44
16	11	8	8	8	5	8	6	3,140	694	2,446	78	12,543	4,938	7,605	61	139,883	67,266	72,617	52
13	5	8	9	8	2	5	3	3,427	1,184	2,243	65	10,561	3,329	7,232	68	110,485	63,100	47,385	43
5	6	4	1	4	3	1	3	8,570	1,950	6,620	77	17,229	7,537	9,692	56	118,439	80,175	38,264	32
6	2	4	8	4	9	1	5	4,182	2,157	2,025	48	11,914	4,179	7,735	65	109,133	77,583	31,550	29
5	1	3	10	3	10	1	3	2,316	1,009	1,307	56	5,130	3,420	1,710	33	50,513	36,942	13,571	27
6	2	4	1	4	1	2	1	4,163	1,625	2,538	61	13,818	5,974	7,844	57	90,702	55,934	34,768	38
8	6	6	7	6	10	1	8	7,507	4,256	3,251	43	18,052	6,968	11,084	61	256,384	180,673	55,711	24
10	7	7	4	8	0	2	7	2,635	923	1,712	65	6,999	2,238	4,761	68	93,927	66,692	27,235	29
6	3	4	9	4	10	1	5	5,245	2,014	3,231	62	9,167	4,450	4,717	51	93,811	67,833	25,978	28
13	1	9	4	9	5	5	8	6,898	2,962	3,936	57	23,716	9,469	14,247	60	270,560	161,787	108,773	40
8	4	5	5	5	9	2	7	7,064	2,915	4,149	59	21,634	10,191	11,443	53	190,147	124,489	65,658	35
10	2	7	1	6	5	3	9	2,245	868	1,377	61	5,481	2,836	2,645	48	64,409	39,505	24,904	39
12	0	6	11	7	4	4	8	2,057	550	1,507	73	12,187	2,449	9,738	80	100,043	55,561	44,482	44
13	6	8	1	9	6	4	0	1,146	410	736	64	3,968	723	3,245	82	40,958	26,321	14,637	36
14	3	7	9	7	3	7	0	15,340	3,832	11,508	75	47,743	22,200	25,543	54	406,961	200,052	206,909	51
3	9	2	9	3	3	0	6	15,776	7,480	8,296	53	64,888	39,306	25,582	39	334,069	265,344	68,725	21
10	3	5	7	6	8	3	7	5,472	1,652	3,820	70	12,091	5,684	6,407	53	118,420	72,706	45,714	39
10	2	7	0	6	2	4	0	8,674	2,898	5,776	67	25,856	10,346	15,510	60	195,604	111,661	83,943	43
8	7	5	4	5	8	2	11	20,427	7,715	12,712	62	187,045	160,031	27,014	14	789,884	550,822	239,062	30
5	8	4	0	3	9	1	11	2,557	468	2,089	82	2,856	1,582	1,274	45	33,039	20,352	12,687	38
15	9	9	1	8	7	7	2	9,535	1,637	7,898	83	29,322	16,444	12,878	44	345,644	185,865	159,779	46
15	8	8	3	8	7	7	1	3,311	863	2,448	74	13,123	4,399	8,724	67	156,613	82,425	74,188	47
6	6	5	4	5	6	1	0	4,651	2,120	2,531	54	6,776	2,217	4,559	67	83,410	65,788	17,627	21
5	10	4	2	4	11	0	11	3,980	1,296	2,684	67	13,824	5,965	7,859	57	83,834	62,264	21,570	26
15	10	8	9	8	5	7	5	4,441	1,102	3,339	75	11,695	6,285	5,410	47	136,752	71,701	65,051	48
9	4	6	5	6	11	2	5	237	126	111	47	1,959	958	1,001	51	11,204	7,906	3,298	30
7	5	5	1	4	7	2	10	4,082	1,493	2,589	63	7,267	5,155	2,112	29	93,842	58,156	35,686	38
8	9	6	2	6	5	2	4	6,710	3,125	3,585	53	21,080	9,166	11,974	57	204,076	142,308	61,768	30
12	11	7	11	8	3	4	11	6,346	2,399	4,147	65	22,251	8,169	14,082	64	232,263	135,843	96,420	42
5	10	4	1	3	11	1	11	6,894	2,855	4,039	59	20,829	11,219	9,610	46	148,235	95,257	52,978	36
16	7	9	3	8	9	7	10	7,746	1,701	6,045	78	19,775	9,667	10,108	51	273,030	142,051	130,979	48
10	9	6	3	6	4	4	5	8,862	2,940	5,922	67	71,021	32,077	38,944	55	341,384	189,954	151,430	44
18	1	8	7	8	10	9	3	7,873	2,638	5,235	66	30,937	14,289	16,648	54	285,436	137,352	148,084	52
9	5	5	11	6	5	3	0	5,935	2,448	3,487	59	22,092	7,962	14,130	64	186,186	118,593	67,593	36
8	1	5	10	5	6	2	7	510	447	63	12	2,037	1,062	975	48	24,830	16,601	8,229	33
14	6	8	9	9	5	5	1	3,587	952	2,635	73	15,888	6,639	9,249	58	193,400	121,035	72,365	37
7	9	5	2	5	1	2	8	3,781	1,629	2,152	57	10,589	5,471	5,118	48	95,982	60,768	35,214	37
8	11	6	6	6	4	2	7	4,049	1,780	2,269	56	10,081	4,505	5,576	55	105,241	70,909	34,332	33
7	11	5	10	5	7	2	4	3,015	1,166	1,849	61	7,888	2,868	5,020	64	86,713	57,371	29,342	34
5	2	3	8	4	1	1	1	13,436	7,181	6,255	47	39,675	2,061	17,614	44	304,932	229,761	75,171	25
9	3	5	10	6	0	3	3	243,346	89,336	154,010	63	908,448	489,783	418,665	46	7,181,165	4,480,623	2,700,542	38
6	5	5	10	6	2	0	3	1,441	214	1,227	85	2,003	1,176	827	41	18,986	16,237	2,749	14
7	11	6	6	5	5	1	6	737	120	617	84	1,639	1,379	260	16	21,350	14,445	6,905	32
5	9	5	2	5	1	0	8	688	473	215	31	1,905	979	926	49	21,218	18,044	3,174	15
6	8	5	10	5	6	1	2	1,850	1,419	431	23	2,594	2,411	183	7	38,199	31,394	6,805	18
6	1	5	8	5	8	0	5	1,367	636	731	53	2,149	1,776	373	17	23,652	21,215	2,437	10
7	11	6	9	5	11	2	0	1,440	269	1,171	81	5,981	3,979	2	- -	38,557	29,048	9,509	25
6	6	5	1	4	4	2	2	1,853	76	1,777	96	2,442	1,330	1,112	46	23,861	14,368	9,493	40
6	4	4	9	4	8	1	8	1,939	362	1,577	81	4,228	1,579	2,649	63	46,473	31,222	15,251	33
8	6	7	7	6	11	1	7	708	90	618	87	890	786	104	12	16,575	13,104	3,471	20
10	3	8	6	6	8	3	7	1,315	283	1,032	78	2,162	1,505	657	30	37,678	24,023	13,655	36
6	3	5	4	5	4	0	11	1,444	527	917	64	2,327	958	1,369	59	29,364	23,061	6,303	21
10	7	8	1	6	8	3	11	476	177	299	63	593	288	305	51	14,141	8,731	5,410	38
7		6	0	5	6	1	8	15,258	4,646	10,612	70	26,913	18,146	8,767	33	330,054	244,892	85,162	26
9	1	5	10	6	0	3	1	258,604	93,982	164,622	64	935,361	507,929	427,432	46	7,511,219	4,725,515	2,785,704	37

* Exclusive of payments made under the Registration and Parochial Assessment Acts.

† There being no separate head for this item of expenditure in the year ended 25th March, 1834, a comparison is necessarily made with the year ended 25th March, 1835.

The following table, taken from Mr. Porter's *Progress of the Nation*, p. 82., as regards the years 1801 to 1834*, and calculated for this work for the preceding period, and for the four last years, will afford a means of comparing the present *expenditure* with the past, at the same time that it shows the progress of pauperism before the introduction of the present system: —

Years.	Sums expended for Relief of the Poor.	Population of England and Wales.*	Average Price of Wheat per Quarter.	Number of Quarters of Wheat for which the Money could have been exchanged.
	l.		*s.* *d.*	
Average years. 1748, 1749, 1750.	689,971	- -	27 11	494,308
1775, 1776.	1,530,800	- -	45 0	680,356
Average years. 1783, 1784, 1785.	2,004,239	- -	46 6	862,038
1801	4,017,871	8,872,980	115 11	693,234
1803	4,077,891	9,148,314	57 1	1,428,751
1813	6,656,105	10,163,676	92 5	1,440,455
1814	6,294,581	10,775,034	72 1	1,746,474
1815	5,418,846	10,979,437	63 8	1,702,255
1816	5,724,839	11,160,557	76 2	1,503,240
1817	6,910,925	11,349,750	94 0	1,470,409
1818	7,870,801	11,524,389	83 8	1,881,466
1819	5,516,704	11,700,964	72 3	2,080,748
1820	7,330,256	11,893,155	65 10	2,226,913
1821	6,959,249	11,978,875	54 5	2,557,763
1822	6,358,702	12,313,810	43 3	2,940,440
1823	5,772,958	12,508,956	51 9	2,231,094
1824	5,736,898	12,699,098	62 0	1,850,612
1825	5,786,989	12,881,906	66 6	1,740,447
1826	5,928,501	13,056,931	56 11	2,083,221
1827	6,441,088	13,242,019	56 9	2,269,987
1828	6,298,000	13,441,913	60 5	2,084,855
1829	6,332,410	13,620,701	66 3	1,911,671
1830	6,929,042	13,811,467	64 3	2,125,772
1831	6,798,888	13,897,187	66 4	2,049,916
1832	7,036,968	14,105,645	58 8	2,398,966
1833	6,790,799	14,317,229	52 11	2,566,601
1834	6,317,255	14,531,957	46 2	2,736,717
1835	5,526,418	14,749,966	46 2	2,394,116
1836	4,717,630	14,971,214	39 4	2,398,796
1837	4,044,741	15,195,782	53 8	1,507,357
1838	4,123,604	15,423,718		

* The numbers given in this column for the years 1801, 1811, 1821, and 1831 are those ascertained at the enumerations of those years: those stated for the intermediate and for subsequent years are computed from the baptisms and burials, and from the rate of increase, as ascertained at each census.

The effect on the rate-payers may be better appreciated by reference to the two following tables, which show what was the burden of the rate upon every individual of the population at the respective periods; the population, including people of all ages and sexes, and the recipients of relief as well as the contributors. The comparison would evidently be more favourable to the present system, if the comparison were made with the population as estimated for the latter years. Estimating the increase of population from 1831 to 1837 at the rate of the increase from 1821 to 1831, the rate per head for the year 1837 would be *5s.* 1*d.*, instead of *5s.* 10*d.*

* It should be observed that the calculation for the years 1801 to 1834 appears to be to a considerable degree incorrect, inasmuch as the years for which the returns of the price of wheat is made, end on the 31st of December in each year; while the years in which the returns of the poor-rates end, is on the 25th of March. Thus, for instance, the year 1834, for which the corn return is made, includes only January, February, and 25 days in March of the year 1833–4, for which the poor-rate return is made; while it contains more than 9 months of the year for which the poor-rate returns 1834–5 are made. It is clear, therefore, that a greater approach to accuracy would be obtained by taking the return of corn for 1834, with the return of poor-rates for 1835, as the periods in this case would be identical for nine months; whereas, in the above table for the years 1801 to 1834, they are only identical for three months.

A TABLE showing the Rate per Head of Expenditure, with reference to the Population in 1831, in each County in England and Wales, for the Years ended 25th March, 1834 and 1837 respectively, in which the Counties are ranked according to their largeness of Expenditure, for the Relief of the Poor, in order to show the Pressure of Pauperism upon the Population, before the passing of the Poor Law Amendment Act, as compared with the Year ended 25th March, 1837.

ENGLAND.

Year ended 25th March, 1834.			Population in 1831.	Year ended 25th March, 1837.		
COUNTIES.	Rate per Head of Expenditure.			COUNTIES.	Rate per Head of Expenditure.	
	s.	d.			s.	d.
Sussex	18	1	272,340	Essex	9	4
Buckingham	16	11	146,529	Suffolk	9	3
Suffolk	16	7	296,317	Norfolk	9	1
Bedford	16	4	95,483	Cambridge	8	9
Oxford	15	10	152,156	Oxford	8	9
Norfolk	15	9	390,054	Wilts	8	9
Northampton	15	8	179,336	Buckingham	8	8
Essex	15	1	317,507	Sussex	8	7
Wilts	14	6	240,156	Northampton	8	3
Kent	14	3	479,155	Huntingdon	8	1
Berks	13	9	145,389	Bedford	8	0
Huntingdon	13	6	53,192	Berks	7	9
Cambridge	13	5	143,955	Kent	7	9
Southampton	12	11	314,280	Dorset	7	4
Hertford	12	0	143,341	Hereford	7	1
Surrey	10	9	486,334	Lincoln	7	0
Dorset	10	7	159,252	Hertford	6	11
Leicester	10	3	197,003	Devon	6	7
Hereford	10	2	111,211	York, East Riding	6	6
Lincoln	10	2	317,465	Rutland	6	5
Warwick	9	5	336,610	Surrey	6	3
Rutland	9	4	19,385	Somerset	6	2
York, East Riding	8	11	204,253	Southampton	6	2
Somerset	8	9	404,200	Warwick	5	11
Middlesex	8	7	1,358,330	Westmoreland	5	10
Devon	8	6	494,478	York, North Riding	5	10
Gloucester	8	4	387,019	Leicester	5	7
Westmoreland	8	1	55,041	Gloucester	5	5
York, North Riding	7	11	190,756	Middlesex	5	4
Worcester	7	9	211,365	Northumberland	5	4
Salop	7	5	222,938	Worcester	5	2
Northumberland	6	[illegible]	222,912	Salop	5	1
Durham	6	3	253,910	Durham	4	9
Cornwall	6	2	300,938	Cornwall	4	8
Derby	6	2	237,170	Nottingham	4	2
Nottingham	5	10	225,327	Chester	4	1
Stafford	5	10	410,512	Derby	4	1
Monmouth	5	8	98,130	Stafford	4	1
Chester	5	6	334,391	Monmouth	4	0
York, West Riding	5	2	976,350	Cumberland	3	10
Cumberland	5	1	169,681	York, West Riding	3	8
Lancaster	3	9	1,336,854	Lancaster	2	9
Total of England	9	3	13,091,005	Total of England	5	10

WALES.

Radnor	10	7	24,651	Montgomery	8	7
Montgomery	10	3	66,482	Radnor	8	1
Merioneth	8	6	35,315	Merioneth	7	7
Brecon	7	11	47,763	Denbigh	6	9
Denbigh	7	11	83,629	Brecon	6	6
Carmarthen	6	8	100,740	Anglesey	5	10
Flint	6	6	60,012	Carmarthen	5	10
Anglesey	6	5	48,325	Carnarvon	5	8
Glamorgan	6	4	126,612	Pembroke	5	4
Pembroke	6	3	81,425	Cardigan	5	2
Carnarvon	6	1	66,448	Flint	5	1
Cardigan	5	9	64,780	Glamorgan	4	9
Total of Wales	7	2	806,182	Total of Wales	6	0
Total of England and Wales	9	1	13,897,187	Total of England and Wales	5	10

A Table showing the amount of Money expended for the Relief and Maintenance of the Poor during the Years ended Easter, 1803, and 25th March, 1818 and 1837; specifying the Amount, Rate per Cent., and Rate per Head, of Decrease in 1837, as compared with the Years 1803 and 1818 respectively; the former being the Year in which the smallest, and the latter the Year in which the largest, Sum of Money was expended for the Relief of the Poor for which authentic Parliamentary Returns have been received.

Population in 1801.	Expended for Relief, &c. of the Poor during the Year ended Easter, 1803.	Population in 1821.	Expended for Relief &c. of the Poor during the Year ended 25th March, 1818.	Population in 1831.	Expended for Relief &c. of the Poor during the Year ended 25th March, 1837.	Amount of Decrease in the Year ended 25th March, 1837, compared with 1803	Amount of Decrease in the Year ended 25th March, 1837, compared with 1818	Decrease per Cent. in 1837, compared with 1803.	Decrease per Cent. in 1837, compared with 1818.	Expenditure per Head in 1803, with reference to Pop. 1801.	Expenditure per Head in 1818, with reference to Pop. 1821.	Expenditure per Head in 1837, with reference to Pop. 1831.	Decrease per Head in 1837, compared with 1803.	Decrease per Head in 1837, compared with 1818.
	L.		L.		L.	L.	L.							
8,872,980	4,077,891	11,978,875	7,870,801	13,897,187	4,044,741	33,150	3,826,060	1	49	9s. 2d.	13s. 2d.	5s. 10d.	3s. 4d.	7s. 4d.

The above tables indicate a portion of the operation of the law on the general *rate-payers;* the saving made may be considered as a gain to them, and to the owners of the property liable to the rate. But to the sums actually saved, a large addition is to be made, on account of the productive uses to which they have been applied. The way in which these savings have operated in increasing the operations of the farmers and other rate-payers, and the effect of the withdrawal of relief from the labourer, in stimulating his energies, are very instructively displayed in the evidence given to a Committee of the House of Commons appointed to inquire into the administration of the poor laws under the control of the Commissioners.*

With respect to *the number and condition of paupers,* no satisfactory data exist for a comparison of the present with the former system. The quarterly returns made by the auditors and clerks of unions show accurately the numbers of paupers relieved, and, of the several classes of paupers, the kind and value of relief given. They especially show that the reduction is owing to the diminished pauperism of the labouring classes, the bulk of the relief now given being confined much more strictly to the legitimate claimants — the aged, inpotent, infant, and insane poor.

The following table shows the aggregate number of poor of all classes relieved between the 25th of March 1836, and the 25th of March 1837, in the unions for which returns had been made when the table was framed. (*See next page.*)

The numbers of the several classes of paupers had never previously been ascertained with any approach to accuracy; but some idea may be formed of the proportion of one class to another, since the measure has been brought partially into operation, from the following table, formed from the quarterly abstracts of the accounts of the unions in the respective counties named. It is to be regretted that similar data do not exist for the calculation of the respective proportions of the several classes formerly relieved, as the able-bodied would have constituted, before the measure came into operation, a vastly different proportion of the whole.

* The evidence of Mr. T. W. Overman, vice-chairman of the Ampthill union, is particularly worthy of perusal. Extracts of it are given at p. 75. of the Poor Law Commissioners' *Fourth Report.*

TABLE showing the aggregate Number of Poor of all classes relieved in the Unions, between 25th March, 1836, and 25th March, 1837.

Counties.	No. of Unions.	Number of Paupers relieved.			Workhouse.			Quarter's Expenditure up to 25th March, 1837.	Estimated Annual Expenditure under the New Law.	Average Annual Expenditure previous to the Formation of the Unions.	Saving on the Average Annual Expenditure.	Rate per Cent. of Saving.
		In-door	Out-door.	Total.	Old.	New.	Room for.					
Buckingham	5	514	6,421	6,935	14	2	1,385	9,118	36,669	79,758	43,089	54
Berks - -	11	923	7,555	8,478	22	6	4,142	17,687	63,649	128,434	64,785	51
Kent - -	21	2,597	20,416	23,813	51	14	10,104	28,891	118,292	241,726	123,434	51
Oxford - -	4	139	5,343	5,482	8	4	1,650	7,158	33,577	70,687	37,110	50
Bedford -	6	682	5,792	6,474	18	6	2,575	9,492	42,427	83,532	41,105	49
Cambridge -	4	186	3,927	4,113	4	2	420	6,039	23,006	45,032	22,026	49
Dorset - -	9	326	4,862	5,188	4	4	1,290	6,508	27,262	53,372	26,110	48
Worcester -	2	65	1,750	1,821	2	- -	100	1,826	7,304	13,628	6,324	46
Sussex - -	18	2,199	10,022	12,221	52	4	5,440	27,223	110,102	198,639	88,537	44½
Wilts - -	15	1,003	14,872	15,875	22	6	3,601	17,941	78,089	139,917	61,828	44
Middlesex -	1	133	318	451	2	- -	150	1,263	4,920	8,568	3,648	42½
Essex - -	12	1,138	10,404	11,542	61	3	3,589	21,742	94,179	162,164	67,985	42
Northampton	10	319	9,906	10,225	21	6	2,181	11,535	60,829	104,927	44,098	42
Suffolk - -	12	1,423	13,572	14,095	57	3	5,718	24,909	123,236	205,571	82,335	40
Somerset -	3	- -	4,326	4,326	- -	2	140	3,424	22,866	38,279	15,413	40
Herts - -	10	1,464	4,634	6,098	26	3	2,745	12,663	50,654	84,480	33,826	40
Hants - -	22	1,623	14,181	15,804	42	7	4,789	28,824	93,997	151,484	57,487	38
Lincoln -	4	610	2,152	2,762	18	3	1,836	4,940	25,539	36,422	12,883	35
Gloucester -	6	579	3,093	3,762	11	- -	990	5,511	22,046	32,699	10,653	32
Norfolk -	5	51	6,576	6,627	- -	5	1,505	11,211	36,844	53,124	16,280	31
Leicester -	2	64	2,413	2,474	2	- -	230	2,528	16,736	21,676	4,940	23
Devon - -	5	15	1,888	5,564	8	2	625	4,798	42,832	52,980	10,148	19
Totals -	187	16,053	154,423	175,030	445	82	55,196	264,331	1,133,055	2,007,199	874,044	43½

EXTRACT from the Monthly Report of the Poor Law Commissioners for April, 1836.

Counties.	Description of Pauper.		(a) Number of each description of Pauper.	(b) Total Number of Paupers.	(c) Total Amount of Population.	* Proportion of (a) to (b)	* Proportion of (a) to (c)
Northampton, Oxford, Bucks, Suffolk, Kent, Berks, Bedford, Dorset, Herts, Sussex, Essex, Wilts, Hants, Cambridge, and Gloucester.	Aged, Orphans, Insane, &c. &c.	Aged and Infirm of both Sexes.	36,062	87,202	1,447,225	$\frac{1}{2}$	$\frac{1}{40}$
		Orphan and Foundling Children.	4,874			$\frac{1}{18}$	$\frac{1}{297}$
		Illegitimate Children.	6,183			$\frac{1}{14}$	$\frac{1}{234}$
		Insane Persons and Lunatics.	497			$\frac{1}{175}$	$\frac{1}{2912}$
		Idiots.	1,033			$\frac{1}{84}$	$\frac{1}{1401}$
	Able-bodied.	Alleged Insufficiency of Earnings.	9,495			$\frac{1}{9}$	$\frac{1}{152}$
		Who had lost Work or Place.	5,899			$\frac{1}{15}$	$\frac{1}{245}$
		On account of Temporary Sickness.	4,824			$\frac{1}{18}$	$\frac{1}{300}$
		Whose Families were relieved on account of Sickness.	2,435			$\frac{1}{36}$	$\frac{1}{594}$
		Families relieved on account of the Number.	7,321			$\frac{1}{12}$	$\frac{1}{198}$
		Families destitute on account of Misconduct of Parents.	1,264			$\frac{1}{69}$	$\frac{1}{11.5}$
		Name of the other Classes not included in the preceding.	7,315			$\frac{1}{12}$	$\frac{1}{198}$

* It is to be observed that these proportions are given in round numbers.

The following TABLE, calculated from the same data, gives in more detail the Proportions in the same Unions of each Class of Paupers to the Population (a), and to the whole Number of Paupers (b.)

Counties.	Population	Total Number of Paupers.	Proportions of																							
													Able-bodied.													
			Aged and Infirm, of both Sexes. to		Orphan and Foundling Children. to		Illegitimate Children. to		Insane Persons and Lunatics. to		Idiots. to		Alleged Insufficiency of Earnings. to		Who had lost Work or Place. to		On account of temporary Sickness. to		Whose Families were relieved on account of Sickness. to		Families relieved on account of the Number to		Families destitute on account of Misconduct of Parents. to		Names of the other classes not included in the preceding to	
	a.	b.	a.	b.	a.	b.	a.	b.	a.	b.	a.	b.	a.	b.	a.	b.	a.	b.	b.	b.	a.	b.	a.	b.	a.	b.
Northampton	99,724	3,080	1/62	1/2	1/1133	1/35	1/508	1/16	1/3089	1/123	1/3217	1/99	1/269	1/8	1/464	1/14	1/1608	1/50	1/907	1/28	1/1007	1/31	1/2933	1/91	1/402	1/12
Oxford -	51,106	3,318	1/83	1/2	1/238	1/15	1/152	1/10	1/2132	1/158	1/933	1/64	1/113	1/7	1/538	1/33	1/672	1/44	1/362	1/24	1/181	1/10	1/1162	1/93	1/3193	1/207
Bucks -	37,307	1,789	1/44	1/2	1/333	1/16	1/207	1/10	1/7161	1/338	1/2440	1/119	1/352	1/17	1/123	1/6	1/283	1/14	1/1435	1/69	1/1777	1/85	1/1168	1/56	1/2870	1/138
Suffolk -	140,798	8,336	1/44	1/3	1/374	1/22	1/208	1/12	1/3705	1/219	1/1638	1/98	1/113	1/7	1/170	1/10	1/424	1/25	1/958	1/57	1/237	1/14	1/1636	1/98	1/182	1/11
Kent -	156,030	12,918	1/45	1/4	1/344	1/29	1/207	1/21	1/3808	1/315	1/1625	1/135	1/74	1/6	1/320	1/26	1/392	1/32	1/355	1/46	1/338	1/28	1/957	1/79	1/35	1/3
Berks -	141,966	6,481	1/45	1/2	1/324	1/24	1/246	1/11	1/2838	1/130	1/3253	1/103	1/381	1/27	1/787	1/56	1/439	1/30	1/717	1/33	1/344	1/16	1/1773	1/81	1/333	1/7
Bedford -	98,459	6,474	1/36	1/2	1/269	1/19	1/273	1/18	1/3316	1/231	1/1201	1/79	1/93	1/6	1/134	1/9	1/182	1/12	1/646	1/42	1/362	1/21	1/864	1/57	1/1201	1/79
Dorset -	26,450	919	1/39	2/3	1/833	1/30	1/234	1/8	1/6612	1/230	1/2645	1/92	1/1654	1/57	1/1469	1/51	1/1469	1/51	0	0	0	0	1/26450	1/919	1/1102	1/38
Herts -	105,454	4,705	1/43	1/2	1/307	1/14	1/364	1/23	1/2292	1/102	1/1226	1/53	1/65	1/3	1/618	1/27	1/398	1/13	1/370	1/23	1/377	1/17	1/605	1/36	1/1067	1/49
Sussex -	182,635	12,299	1/45	1/3	1/326	1/26	1/218	1/15	1/3804	1/256	1/1277	1/86	1/113	1/13	1/214	1/14	1/313	1/21	1/379	1/26	1/63	1/4	1/1363	1/92	1/1039	1/27
Essex -	85,739	4,587	1/44	1/2	1/210	1/11	1/229	1/12	1/9497	1/510	1/1588	1/85	1/381	1/10	1/247	1/13	1/241	1/15	1/568	1/30	1/338	1/19	1/1072	1/57	1/476	1/26
Wilts -	61,977	4,856	1/26	1/2	1/252	1/20	1/153	1/12	1/2951	1/231	1/1192	1/93	1/161	1/9	1/154	1/12	1/238	1/19	1/1169	1/92	1/187	1/15	1/773	1/61	1/659	1/52
Hants -	174,428	14,192	1/36	1/3	1/139	1/13	1/161	1/15	1/1960	1/139	1/953	1/77	1/144	1/12	1/163	1/13	1/153	1/12	1/498	1/42	1/168	1/14	1/876	1/72	1/151	1/12
Cambridge -	36,204	2,532	1/26	1/2	1/251	1/17	1/205	1/14	1/3017	1/211	1/1006	1/70	1/193	1/13	1/216	1/14	1/171	1/12	1/1448	1/87	1/332	1/23	1/754	1/53	1/302	1/14
Gloucester -	48,947	2,356	1/45	1/2	1/333	1/16	1/183	1/9	1/1194	1/57	1/1194	1/57	1/285	1/14	1/3263	1/157	1/318	1/15	1/379	1/18	1/239	1/10	1/1020	1/49	1/2039	1/99

QUARTERLY ABSTRACT, showing the Number of Paupers of all Classes actually relieved, and the Amount of Money received and expended, during the Quarter ending the 25th of December, 1855, in Portions of the following Counties.

Number of Paupers Relieved.

Counties.	Aged and Infirm of both Sexes. In-door.	Aged and Infirm of both Sexes. Resident.	Aged and Infirm of both Sexes. Non Resident	Orphan and Foundling Children. In-door.	Orphan and Foundling Children. Out door.	Illegitimate Children. In-door.	Illegitimate Children. Out-door.	Insane Persons and Lunatics. In-door	Insane Persons and Lunatics. Out-door.	Insane Persons and Lunatics. Lunatic Asylum elsewhere	Idiots. In-door.	Idiots. Out-door.
Northampton	87	1,410	103	21	67	6	191	1	22	2	2	29
Oxford	49	1,373	148	27	188	14	322	-	11	10	4	48
Bucks	45	643	115	22	90	29	151	-	3	2	-	15
Suffolk	212	2,414	546	50	326	44	639	5	13	20	8	77
Kent	562	1,840	874	85	369	58	549	21	13	7	33	62
Berks	359	2,579	227	61	210	40	538	4	24	22	11	52
Bedford	255	2,275	192	84	245	35	323	8	9	11	35	49
Dorset	68	567	49	5	26	8	105	-	1	3	1	9
Herts	536	1,617	259	125	219	48	139	6	10	30	40	46
Sussex	664	2,702	916	240	377	256	581	13	24	20	64	79
Essex	195	1,553	189	42	366	36	338	3	3	3	6	48
Wilts	111	1,943	323	36	210	29	376	10	17	4	17	35
Hants	603	4,477	644	276	817	91	872	17	23	49	69	118
Cambridge	38	1,005	173	7	137	8	169	4	7	1	4	32
Gloucester	94	716	272	33	113	31	237	10	20	11	16	25
Totals	3,878	27,154	5,030	1,114	3,760	733	5,450	102	200	195	309	724
Grand Totals	36,062			4,874		6,186		497			1,033	

Counties.	Able-bodied: On account of alleged Insufficiency of Earnings. In-door.	On account of alleged Insufficiency of Earnings. Out-door.	Who had lost Work or Place. In-door.	Who had lost Work or Place. Out door.	On account of Temporary Sickness. In door.	On account of Temporary Sickness. Out-door.	Whose Families were relieved on account of Sickness. In-door	Whose Families were relieved on account of Sickness. Out door.	Families relieved on account of the Number. In-door.	Families relieved on account of the Number. Out-door	Families destitute on account of Misconduct of Parents. In-door.	Families destitute on account of Misconduct of Parents. Out-door	Names of the other Classes not included in the preceding.			Total Number of Poor receiving Relief. In door.	Total Number of Poor receiving Relief. Out-door.	Total.
Northampton	25	346	6	409	1	61	-	110	-	99	22	12	224	24	-	244	6,094	7,097
Oxford	-	444	1	94	-	76	-	141	-	317	2	33	8	8	-	113	3,221	3,334
Bucks	19	87	31	273	7	125	-	26	-	21	11	21	11	2	-	295	2,407	2,702
Suffolk	24	1,203	112	714	7	325	1	146	4	589	10	75	622	55	95	665	7,771	8,436
Kent	122	1,990	134	354	31	367	10	271	3	459	89	74	1,767	2,235	539	1,706	13,667	15,428
Berks	15	228	17	168	32	291	-	198	11	409	24	56	808	86	24	868	6,474	7,342
Bedford	50	1,007	121	616	29	511	11	142	17	255	40	74	21	44	17	682	5,792	6,474
Dorset	-	16	-	18	-	18	-	[illegible]	-	[illegible]	-	1	-	24	-	82	837	919
Herts	32	376	77	96	80	277	7	178	14	266	64	67	39	43	14	1,062	3,635	4,697
Sussex	240	679	354	601	50	533	29	453	184	2,756	48	86	303	83	64	2,343	10,429	12,772
Essex	50	429	103	244	7	307	-	151	6	248	11	69	143	36	1	691	4,806	5,497
Wilts	23	511	34	368	25	235	-	53	41	281	26	54	87	4	3	352	4,505	4,857
Hants	114	1,094	147	926	46	1,096	13	337	67	939	51	148	463	682	13	1,506	12,816	14,322
Cambridge	2	196	15	157	-	212	2	27	-	109	13	35	168	5	6	93	2,439	2,532
Gloucester	14	159	9	6	5	150	1	128	7	227	15	32	15	7	2	236	2,120	2,356
Totals	730	8,765	1,161	4,738	240	4,584	74	2,361	354	6,967	427	857	4,679	2,338	298	10,938	87,003	98,765
Grand Totals	9,495		5,899		4,824		2,435		7,521		1,264		7,315			97,941		

In-door, 6,136, Out-door, 42,513, Total, 48,649 — In-door, 2,986, Out door, 28,252, Total, 31,238

Receipts.

Counties.	Amount contributed to each Union during the Quarter. L.	s.	d.	Earnings of Paupers in the House. L.	s.	d.	Received from other Sources. L.	s.	d.	Total Amount of Receipts. L.	s.	d.
Northampton	11,286	3	5½	-		-	234	15	3	11,520	18	8½
Oxford	5,678	6	9	-		-	-		-	5,678	6	9
Bucks	3,812	6	6¾	3	16	4½	0	10	0	3,816	12	11¼
Suffolk	14,850	5	6	-		-	24	6	9	14,874	12	3
Kent	19,342	4	11¼	-		-	520	10	6½	19,862	15	5½
Berks	12,766	14	6¾	-		-	1	12	1½	12,768	6	8½
Bedford	10,482	4	10	28	10	7	430	18	11½	11,112	16	11½
Dorset	1,179	1	7	2	13	2	55	12	1	1,177	6	10
Herts	7,710	18	2½	29	5	11	14	16	0½	7,790	13	1½
Sussex	27,861	5	6	14	3	10	897	19	5½	28,773	-	11¾
Essex	12,488	5	6	10	2	3	0	12	0	14,865	16	2½
Wilts	6,924	4	3½	16	18	8	98	8	4½	6,084	11	3¾
Hants	21,447	12	0¾	48	16	6½	280	17	7¾	24,777	6	3
Cambridge	4,413	0	5½	-		-	11	4	6	4,424	4	11½
Gloucester	4,411	5	0	0	16	3	-		-	4,442	1	3
Totals	167,643	19	2	155	3	7½	2,552	3	7¾	171,969	17	7¾

Expenditure.

Counties.	Total Charges of Maintenance in the Workhouse. L.	s.	d.	Out-door Relief Charges. L.	s.	d.	Establishment Charges. L.	s.	d.	Total Payments. L.	s.	d.
Northampton	438	5	3	6,464	9	3½	1,004	17	8	7,907	12	2
Oxford	254	8	1¾	4,179	0	4½	531	9	6½	4,964	18	0½
Bucks	435	2	6¾	3,090	2	10	589	8	4½	4,104	13	9
Suffolk	1,264	5	7¾	10,331	3	7½	3,125	11	11	14,731	11	2
Kent	2,145	13	11¾	10,503	17	11¾	3,704	1	3½	17,248	5	2½
Berks	1,126	6	6½	6,889	11	6¾	3,773	15	8	15,563	0	10½
Bedford	715	8	7	6,531	15	4	2,445	3	0	9,692	6	11
Dorset	129	18	11	760	1	9	206	0	0	1,463	13	2
Herts	1,631	15	3½	3,994	18	6¾	2,545	18	4½	9,016	12	2
Sussex	3,750	4	7	12,326	2	10	9,586	3	4¾	25,862	12	2
Essex	788	17	3	8,400	12	6	2,494	17	10	11,684	7	7
Wilts	319	15	10	3,775	10	4½	677	7	1	4,772	13	3¾
Hants	2,073	2	2	14,472	17	6½	4,559	15	6½	21,105	15	2¾
Cambridge	154	13	5½	3,595	5	5½	717	10	0	4,467	18	11½
Gloucester	258	10	9½	1,753	6	9½	883	16	4½	2,895	3	10½
Totals	15,486	8	11½	97,258	16	9	36,845	12	1	155,001	4	6¾

The preceding table shows the kind of relief, whether in the workhouse or out, distributed to the paupers to whom the foregoing tables refer; —and also the various character of the receipts in the same unions, and of the expenditure connected with the relief of the same paupers.

The progress of the measure since the tables were formed has necessarily varied the numbers serving as the basis of the comparison which the tables are framed to illustrate. The greatest cause of variation is the constantly diminishing number of able-bodied male and female paupers, both adult and infant. The following return, extending to 306 unions having workhouses, will show, by comparison with the foregoing tables, the proportion which the able-bodied men, both married and unmarried, and the proportion which the wives and children of the married, bear to the other classes of poor; that is, to the total in-door poor, to the total out-door poor, and to the poor of all classes; giving 1 able-bodied labourer to every 158 paupers, and 1 able-bodied labourer's child to every 157 paupers.

SUMMARY of a Return in pursuance of an Order of the Select Committee of the House of Commons, of the Number of able-bodied Labourers between the Ages of Sixteen and Sixty, in each of the Union Workhouses under the Orders of the Poor Law Commissioners, on the 1st March, 1837, distinguishing the unmarried, and if married, whether their Wives and Children are with them, and what Number of Children.

	Married.						Unmarried.	Total Number of able-bodied Labourers	Total Number of their Children
	Without their Wives or Children.	With their Wives only.	With their Wives and Children.		Widowers who have Children.				
			Number.	Num. of Children.	Number.	Num. of Children.			
Total of 360 unions which have workhouses - -	258	63	577	1,950	122	304	1217	2,237	2,254
Average for 120 unions which have workhouses -	86	21	192	650	41	101	406	746	751
Proportion which the number of the above classes bear to the total in-door poor in 120 unions	$\frac{1}{188}$	$\frac{1}{771}$	$\frac{1}{84}$	$\frac{1}{25}$	$\frac{1}{393}$	$\frac{1}{161}$	$\frac{1}{46}$	$\frac{1}{22}$	$\frac{1}{22}$
Proportion of ditto to total out-door -	$\frac{1}{1185}$	$\frac{1}{4853}$	$\frac{1}{531}$	$\frac{1}{157}$	$\frac{1}{2485}$	$\frac{1}{1009}$	$\frac{1}{251}$	$\frac{1}{137}$	$\frac{1}{136}$
Proportion of ditto to total poor -	$\frac{1}{1373}$	$\frac{1}{5624}$	$\frac{1}{615}$	$\frac{1}{182}$	$\frac{1}{2880}$	$\frac{1}{1170}$	$\frac{1}{291}$	$\frac{1}{158}$	$\frac{1}{157}$

Such appear to be the numbers and proportions of able-bodied paupers, married and unmarried, of their wives and children, and the proportions of the aged, infirm, and of the infant poor.

The *insane poor* form a class to which great interest attaches, and for which peculiar provision is made. Their numbers have in former periods been a subject only of conjecture. They are now given in the next page.

AN ACCOUNT showing the number of Pauper Lunatics and Idiots in each County in England and Wales, distinguishing those confined in Pauper Lunatic Asylums built under the provisions of the 9th Geo. 4. c. 40.; those confined in Private Lunatic Asylums; and those under the care and management of the Guardians and Overseers of the Poor of their respective Parishes; required in pursuance of an Address to the Crown of the 5th July, 1836.

Counties.	Population in 1831.	Confined in Asylums built under provisions of the 9th Geo. 4. c. 20.						Confined in Private Lunatic Asylums.						Under the care and management of Parish Officers, as in-door or out-door paupers.						Totals of the three classes.			
		Lunatics.			Idiots.			Lunatics.			Idiots.			Lunatics.			Idiots.			Lunatics and Idiots.			
		Males.	Females.	Total.	Males.	Females.	Total.	Males.	Females.	Total.	Males.	Females.	Total	Males.	Females.	Total.	Males.	Females.	Total.	Lunatics.	Idiots.	Total.	Rate per cent. on Population.
ENGLAND.																							
Bedford	95,483	18	12	30	1	1	2	-	-	-	-	-	-	2	10	12	61	60	121	42	123	165	·17
Berks	145,589	6	9	15	-	1	1	22	20	42	3	5	8	5	16	21	58	86	144	78	153	231	·16
Bucks	146,589	1	1	2	-	-	-	15	9	24	-	1	1	12	26	38	62	82	144	64	145	209	·14
Cambridge	143,955	5	5	8	-	1	1	5	3	8	-	-	-	7	8	15	44	39	83	31	84	115	·08
Chester	334,391	31	31	62	1	2	3	-	-	-	2	-	2	28	21	49	62	81	143	111	148	259	·08
Cornwall	300,938	37	27	64	2	-	2	1	1	2	1	-	1	19	21	40	54	38	92	106	95	201	·07
Cumberland	169,681	7	2	9	-	-	-	9	1	10	-	-	-	13	13	26	21	29	50	45	50	95	·06
Derby	237,170	6	4	10	2	-	2	12	5	17	2	7	9	17	25	42	38	42	80	69	91	160	·07
Devon	494,478	5	7	12	10	6	16	12	10	22	-	-	-	57	126	183	190	208	398	217	414	631	·13
Dorset	159,456	42	43	85	-	1	1	4	6	10	-	-	-	2	11	13	60	73	133	108	134	242	·15
Durham	253,910	18	18	36	-	-	-	6	9	15	2	1	3	7	9	16	44	41	85	67	88	155	·06
Essex	317,507	8	9	17	2	-	2	30	36	66	-	-	-	19	13	32	90	105	195	115	197	312	·10
Gloucester	387,019	49	55	104	2	3	5	8	5	13	-	-	-	27	86	113	73	105	178	230	183	413	·11
Hereford	111,211	4	12	16	4	14	18	8	3	11	-	-	-	13	21	34	49	65	114	61	132	193	·17
Hertford	145,341	6	2	8	2	-	2	18	18	36	-	-	-	6	20	26	61	53	114	70	116	186	·13
Huntingdon	53,192	4	2	6	-	-	-	3	-	3	-	-	-	2	3	5	13	11	24	14	24	38	·07
Kent	479,155	69	67	136	4	4	8	12	17	29	-	2	2	24	46	70	92	131	223	235	233	468	·10
Lancaster	1,336,854	135	152	287	11	13	24	10	11	21	-	-	-	37	57	94	120	136	256	402	280	682	·05
Leicester	197,003	10	5	15	-	-	-	2	2	4	-	3	3	32	36	68	66	72	138	87	141	228	·12
Lincoln	317,465	15	21	36	1	-	1	14	7	21	-	-	-	22	38	60	73	79	152	117	153	270	·09
Middlesex	1,358,330	222	335	557	21	11	32	81	153	234	7	14	21	41	109	150	128	137	265	941	318	1259	·09
Monmouth	98,130	3	2	5	-	-	-	6	7	13	-	-	-	4	13	17	38	68	106	35	106	141	·14
Norfolk	390,054	69	82	151	-	1	1	-	-	-	-	-	-	31	33	64	95	83	178	215	179	394	·10
Northampton	179,336	9	12	21	-	-	-	4	5	9	-	-	-	20	30	50	68	98	166	80	166	246	·14
Northumbrl.	222,912	8	5	13	1	-	1	31	28	59	1	3	4	16	28	44	61	78	139	116	144	260	·12
Nottingham	225,327	38	37	75	-	-	-	-	2	2	-	-	-	25	20	45	57	61	118	122	118	240	·11
Oxford	152,156	2	-	2	-	-	-	21	22	43	2	1	3	10	17	27	52	59	111	72	114	186	·12
Rutland	19,385	1	-	1	-	-	-	1	-	1	-	-	-	6	8	14	12	11	23	16	23	39	·20
Salop	222,938	12	16	28	4	1	5	8	5	13	-	1	1	8	29	37	78	99	177	78	183	261	·12
Somerset	404,900	3	4	7	-	-	-	52	58	110	2	-	2	34	58	92	118	155	273	209	275	484	·12
Southampton	314,280	31	32	63	-	-	-	29	37	66	1	3	4	31	42	73	126	109	235	204	239	441	·14
Stafford	410,512	50	29	79	5	4	9	5	1	6	-	1	1	14	28	42	59	65	124	127	134	261	·06
Suffolk	296,317	61	74	135	2	-	2	1	2	3	-	-	-	5	23	28	84	93	177	166	179	345	·12
Surrey	486,334	16	22	38	-	-	-	75	129	204	1	4	5	36	45	81	72	104	176	323	181	504	·10
Sussex	272,740	7	7	14	-	1	1	25	29	54	4	4	8	14	17	31	76	80	156	99	165	264	·10
Warwick	336,610	11	16	27	1	-	1	18	24	42	1	1	2	34	57	91	91	137	228	160	231	391	·12
Westmorel.	55,011	3	1	4	-	-	-	-	-	-	-	-	-	8	10	18	16	30	46	22	46	68	·12
Wilts	240,156	17	21	38	-	-	-	45	19	64	-	1	1	7	18	25	70	122	192	127	193	320	·13
Worcester	211,365	16	15	31	1	2	3	11	17	28	1	1	2	27	36	63	71	67	138	122	143	265	·13
York, E. Rid.	264,255	6	15	21	-	2	2	36	31	67	4	-	4	9	15	24	35	33	68	112	74	186	·09
N. Rid.	194,756	24	12	36	-	-	-	8	6	14	-	-	-	20	26	46	42	38	80	96	80	176	·09
W. Rid.	976,350	160	121	281	12	12	24	1	2	3	-	-	-	22	29	51	168	157	325	335	349	684	·07
Totals of E.	13,091,005	1243	1342	2585	89	80	169	649	740	1389	34	53	87	773	1297	2070	2948	3420	6368	6044	6624	12,668	·10
WALES.																							
Anglesey	48,327	-	-	-	-	-	-	-	-	-	-	-	-	3	7	10	12	10	22	10	22	32	·07
Brecon	47,763	1	-	1	-	-	-	2	-	2	-	-	-	12	24	36	16	14	30	30	30	60	·14
Cardigan	64,780	-	-	-	-	-	-	-	-	-	-	-	-	12	27	39	25	32	57	39	57	96	·15
Carmarthen	100,740	-	1	1	-	-	-	4	1	5	1	-	1	28	29	57	51	61	112	63	113	176	·17
Carnarvon	66,448	-	-	-	-	-	-	1	-	1	-	-	-	18	17	35	34	43	77	36	77	113	·17
Denbigh	85,629	1	1	2	-	-	-	-	-	-	-	-	-	9	15	24	45	37	82	26	82	108	·13
Flint	60,012	-	1	1	-	-	-	-	-	-	-	-	-	6	7	13	21	20	41	14	41	55	·09
Glamorgan	126,612	6	2	8	-	-	-	2	3	5	-	-	-	16	17	33	24	51	75	46	75	121	·10
Merioneth	35,315	-	-	-	-	-	-	-	-	-	-	-	-	7	3	10	25	21	46	10	46	56	·16
Montgomery	66,482	2	1	3	1	-	1	-	-	-	-	-	-	11	14	25	15	19	34	28	35	63	·09
Pembroke	81,425	7	2	9	-	-	-	1	-	1	-	-	-	17	13	30	23	27	55	40	55	95	·12
Radnor	24,651	-	-	-	-	-	-	-	-	-	-	-	-	3	4	7	3	5	8	7	8	15	·06
Totals of W.	806,182	17	8	25	1	-	1	10	4	14	1	-	1	142	177	319	299	340	639	358	641	999	·12
Totals of Eng and Wales	13,897,187	1260	1350	2610	90	80	170	659	744	1403	35	53	88	915	1474	2389	3247	3760	7007	6402	7265	13,667	·10

The able-bodied poor with families, especially those engaged in agriculture, have been enabled under the provisions of the Poor Law Amendment Act to emigrate from some counties in considerable numbers, especially in the interval between June, 1835, and July, 1836: a summary of the amount for that period, and that for the years ending

July, 1836, 1837, and 1838, are here given; the details are contained in the appendixes of the Commissioners' Reports for the respective years.

STATEMENT of the Number of Persons who have emigrated, &c. under the sanction of the Poor Law Commissioners, between June, 1835, and July, 1836.

County.	Number of Parishes.	Number of Emigrants.	Amount ordered to be raised or borrowed.			County.	Number of Parishes.	Number of Emigrants.	Amount ordered to be raised or borrowed.		
			L.	s.	d.				L.	s.	d.
Bedford -	2	18	215	0	0	Middlesex -	1	88	860	0	0
Buckingham -	1	25	100	0	0	Northampton -	2	23	135	0	0
Berks -	1	30	150	0	0	Norfolk -	91	3,068	15,198	10	0
Cambridge -	3	39	201	0	0	Oxford -	2	11	40	0	0
Huntingdon -	2	27	200	0	0	Somerset -	2	11	50	0	0
Hants -	11	182	1,068	14	0	Sussex -	17	248	2,032	7	4
Kent -	18	320	1,823	9	3	Suffolk -	32	787	4,198	0	0
Lincoln -	1	17	100	0	0	Wilts -	5	347	2,012	0	0
						Total	191	5,141	28,414	0	7

County.	Number of Parishes	Number of Emigrants.	Amount ordered to be raised or borrowed.		
			L.	s.	d.
Bedford - - -	3	29	171	0	0
Berks - - - -	1	15	150	0	0
Cambridge - - -	3	29	210	0	0
Devon - - - -	2	7	35	0	0
Essex - - - -	1	13	70	0	0
Gloucester - - -	2	6	530	0	0
Huntingdon - - -	1	13	38	11	4
Kent - - - -	11	156	957	10	0
Middlesex - - -	1	22	210	0	0
Norfolk - - - -	15	286	1,343	0	0
Northampton - - -	2	11	125	0	0
Oxford - - - -	3	56	310	0	0
Somerset - - -	3	40	178	6	0
Suffolk - - -	17	296	1,746	19	3
Surrey - - - -	1	12	75	0	0
Sussex - - - -	14	156	1,077	0	0
Wilts - - - -	2	35	220	0	0
Total - -	82	1,182	7,447	6	7

County.	Number of Parishes	Number of Emigrants.	Amount ordered to be raised or borrowed.		
			L.	s.	d.
Derby - - -	1	2	15	0	0
Essex - - - -	4	13	162	16	10½
Gloucester - - - -	1	68	*	‡	
Hertford - - -	1	6	50	0	0
Kent - - - -	10	251	1,084	17	9
Leicester - - -	1	†	31	10	0
Lincoln - - -	2	13	50	0	0
Middlesex - - -	2	12	57‡	0	0
Northampton - - -	1	10	55	0	0
Southampton - - -	3	28	140	0	0
Suffolk - - - -	2	19	79	1	7
Sussex - - -	15	330	1,753	13	3
Total - -	43	752	3,478	19	5½

* The money was raised in a former year. † Emigration has not taken place.
‡ The money was raised in a former year for one of these parishes.

The operation on the labouring classes not paupers cannot be directly shown in tables. The evidence on this subject, though of the highest interest, is too diffuse to be available for the purposes of this work; but it will be found in the Reports of the Commissioners, and in the evidence taken before the Committee of the House of Commons, before referred to. Amongst the collateral evidence of the improving prudence and prosperity of the poor, the increase of deposits in savings' banks and of subscriptions to benefit societies, in the agricultural counties, is much referred to.

Mr. Tidd Pratt's evidence given to the committee on this subject, attributes this salutary effect to the operation of the Poor Law Amendment Act; he describes the particulars of the increase, and states thus:—

"The Benefit Society Act passed in 1829, and the number enrolled from July 1829 to August 1830—I put the period of August on account of the Poor Law coming into operation in the month of August—in the first year there were 510, in the second 560, and in the third 1,180. The reason of that great increase was a new act of parliament coming in, which gave rather a larger extension than the previous act: in 1833, 470; in 1834, 350; since that, under the Poor Law Amendment Act, the next year was 700; the next 670; the next 739; and from August last to the present time about 552. With regard to savings' banks, I have no particular returns for this year; for this reason, that the act of parliament requires returns to be made within a certain period after December, and they are not now ready; but, of the gross amount of deposits, the increase is above 900,000*l.*, as compared with the previous year; the names of depositors will be found to be 40,000.

"Upon parties forming benefit societies, they have stated to me that heretofore it was of no use belonging to a benefit society; because, if a man belonged to a benefit society, whatever allowance he was entitled to was deducted; the overseer made no allowance, and therefore that it was of no use to belong to a benefit society; for if he did, he would get less than if he belonged to no benefit society: the consequence was, that it was better for him to save his money in any way than contribute to a benefit society: in addition to which, it has been stated to me in letters, that now is the time that parties must look to themselves, as they could not receive out-door relief under the new law.

"1673. From those different communications have you reason to suppose that the Poor Law Amendment Act has led to this great increase of deposits?—I have no doubt that it has, particularly with regard to benefit societies.

"1674. Do you know whether, within the last year, the increase of deposits has been in the larger or smaller sums?—Decidedly in the smaller.

"1675. May not the reason of that be from the change in the act of parliament?—No: when I say smaller sums, I mean sums of 5*l.* and 10*l.*; the act of parliament applies to 20*l.*"

The following tables are drawn from the official returns:—

AN ACCOUNT of the Number of Depositors, and of the Sums deposited in Savings' Banks, at the Close of the last Quarter of each of the Years from 1830 to 1837, both inclusive.

Years.	Individual Depositors.						Charitable Institutions.					
	Number of Depositors.	Increase.	Decrease.	Amount of Deposits.	Increase.	Decrease.	Number of Depositors.	Increase.	Decrease.	Amount of Deposits.	Increase.	Decrease.
				L.	L.	L.				L.	L.	
On Nov. 20, 1830 -	421,129	- -	-	13,729,089	- -	- -	2,148	-	-	175,735	- -	
On Nov. 20, 1831 -	430,166	9,037	-	13,739,907	10,818	- -	2,512	364	-	177,336	4,601	
On Nov. 20, 1832 -	433,277	3,111	-	13,581,760	- -	158,147	2,883	371	-	212,114	34,778	
On Nov. 20, 1833 -	467,357	34,080	-	14,486,548	904,788	- -	3,496	613	-	228,444	16,330	
On Nov. 20, 1834 -	501,199	33,842	-	15,433,788	947,240	- -	3,851	355		256,635	28,191	
On Nov. 20, 1835 -	537,731	36,532	-	16,461,816	1,028,058	- -	4,520	469	-	283,175	26,540	
On Nov. 20, 1836 -	587,488	49,757	-	17,705,228	1,243,382	- -	5,077	757	-	329,849	46,674	
On Nov. 20, 1837 (Including Returns to the 18th of July, 1838) -	624,560	37,072	-	18,498,014	792,816	-	5,715	638	-	340,862	11,013	
Average amount of each Depositor on Nov. 20, 1837 - -	L 30.						L 60.					

Years.	Friendly Societies.						Total.					
	Number of Depositors.	Increase.	Decrease.	Amount of Deposits.	Increase.	Decrease.	Number of Depositors.	Increase.	Decrease.	Amount of Deposits.	Increase.	Decrease.
				L.	L.	L.				L.	L.	L.
On Nov. 20, 1830 -	4,533	-	-	714,112	-	- -	427,830	-	-	14,616,936	- -	
On Nov. 20, 1831 -	4,655	102	-	678,334	-	35,778	437,333	9,503	-	14,595,577	- -	21,359
On Nov. 20, 1832 -	4,154	-	501	571,428	-	100,906	440,314	2,981	-	14,365,302	- -	230,275
On Nov. 20, 1833 -	4,319	165	-	603,756	32,328	- -	475,172	34,858	-	15,318,748	953,446	
On Nov. 20, 1834 -	4,575	256	-	619,097	15,341	- -	509,625	34,453	-	16,309,520	990,772	
On Nov. 20, 1835 -	4,975	400	-	666,074	46,977	- -	547,026	37,401	-	17,411,095	1,101,575	
On Nov. 20, 1836 -	5,394	419	-	726,142	60,068	- -	597,959	50,933	-	18,761,219	1,350,124	
On Nov. 20, 1837 (Including Returns to the 18th of July, 1838) -	5,791	397	-	785,109	58,967	- -	636,066	38,107	-	19,624,065	862,796	
Average amount of each Depositor on Nov. 20, 1837 - -	L 136.						L 75. 6s. 8d.					

INCREASE and DECREASE in Number of Depositors and Amount of Deposits, from the 20th of November, 1830, to the 20th of November, 1837 (including Returns to the 18th of July, 1838).

	Depositors.	Deposits.
Not exceeding L 20 - - - -	119,479 Inc.	L 744,733 Inc.
— 50 - - - -	58,173 —	1,775,027 —
— 100 - - - -	17,765 —	1,231,487 —
— 150 - - - -	5,132 —	622,147 —
— 200 - - - -	4,417 —	746,601 —
Exceeding 200 - - - -	1,535 Dec.	351,340 Dec.
Individual Depositors - - - -	203,431 Inc.	4,768,955 Inc.
Charitable Institutions - - - -	3,567 —	167,127 —
Friendly Societies - - -	1,238 —	70,997 —
Number of Accounts - - - -	208,136 Inc.	L 5,007,079 Inc.

Mr. Tuffnell, in a communication contained in the Appendix to the Commissioners' Fourth Report, makes the following observations upon this subject: —

"With so many circumstances tending to retard the prosperity of the labouring classes, it is gratifying to have to observe that, so far as can be collected from statistical documents, (and to figures, as being

less capable of error, I am always desirous of referring), their welfare seems to have been upon the whole in a state of steady advancement since the enforcement of the regulations of the New Poor Law. As one proof of this, I beg to refer to the following table, which shows the deposits during the last seven years in the savings' banks in the two counties of Kent and Sussex, from friendly societies, and from the depositors of sums under 20*l.* I have selected these two classes of depositors, as among them, more than in any other class, the labouring population are chiefly to be found.

Date.	In the Kent Savings' Banks.	In the Sussex Savings' Banks.	Observations.
	L.	*L.*	
On the 20th November, 1831	93,694	41,164	Years previous to the passing of the Poor Law Amendment Act.
— 1832	87,592	39,889	
— 1833	91,371	41,686	
— 1834	94,918	43,466	Poor Law Amendment Act discussed and passed.
— 1835	97,613	45,897	Poor Law Amendment Act brought into partial operation.
— 1836	106,156	50,148	Poor Law Amendment Act brought into universal operation.
— 1837	110,156	51,409	

"The three years previous to the passing of the Poor Law Amendment Act were by no means unprosperous ones as respects those natural circumstances that affect the condition of the labourers. Yet it will be perceived how slowly the deposits increased in comparison to what they have done since the passing of the Poor Law, and that, in 1832, there was a large diminution.

"The following table, showing the increase of the various classes of depositors in the Tunbridge Wells savings' banks between 1831 and 1837, presents gratifying proof of the greater prevalence of a spirit of providence, especially amongst the poorer classes:—

	In 1831.	In 1837.	Increase per cent.
Servants - - -	361	483	34
Agricultural labourers - -	46	137	200
Children - - -	357	388	9
Journeymen and apprentices - -	39	57	46
Charitable societies - -	14	26	86
Benefit societies - - -	4	5	25
Small shopkeepers - -	8	16	100
Small farmers and others not described -	54	68	26
Total -	883	1,180	34

"The increase of forethought in the labourers is, perhaps, still more strikingly manifested by the increase of members in friendly societies, which are now far more generally established on principles calculated to secure a certain provision in sickness and old age, instead of those injurious institutions, hitherto so prevalent, which seem intended only to minister to the profits of publicans, and which are usually founded on principles that must inevitably cause their dissolution when old age overtakes the members, and consequently when the utility of such societies would be most apparent, and their benefits most needed.

"I have received the numbers that have annually belonged to three benefit societies, and these I give below. The first is a friendly society in the county of Sussex.

Number of members in	1831	84	Number of members in	1835	49
—	1832	64	—	1836	64
—	1833	56	—	1837	98
—	1834	48			

"The following are the returns from two Kentish friendly societies: —

Number of members in	1832	378	Number of members in	1831	461
—	1833	363	—	1832	477
—	1834	356	—	1833	519
—	1835	353	—	1834	533
—	1836	420	—	1835	609
—	1837	478	—	1836	611
				1837	770

"It will be perceived that these figures indicate either a very slow increase or an actual diminution previous to the passing of the new law, and a rapid advancement since.

"These contrasts, however, are far less favourable to the present system than they would appear, had not the failure of the crops and the hardness of the seasons during the last year and a half pressed with peculiar severity on the labouring classes of this district. Every natural circumstance seems to have combined to test to the utmost the soundness of the principles of the poor laws, and put their efficacy to the proof. In the two counties of Kent and Sussex, referred to in the above table of the deposits in savings' banks, upwards of a million of money has been subtracted from the poor rates since the regulations of the Poor Law Amendment Act came into operation; and if, in the face of this large reduction, and of many adverse circumstances, I am enabled to refer, not to obscure deductions and conjectures, but to the unimpeachable testimony of facts like the above, am I not entitled to assume that the effect of the measure has not been hurtful to the interests of the labourers or of society in general, and that the apprehensions entertained of it are not justified by the result?"

Sect. II. *Scotch Poor Laws.*

The laws relating to the support of the poor in Scotland originated, like those in most other countries, in attempts to check the prevalence of mendicity. The earliest act of the Scotch parliament, having reference to the poor, was passed in 1424. It prohibits all persons from begging between the ages of fourteen and seventy, who should not be furnished with a pass from the proper authorities; and it further orders all other poor persons to betake themselves to some species of useful industry, under penalty of burning on the cheek and banishment. The provisions of this act were reinforced by succeeding statutes (1503, cap. 70.; 1535, cap. 22.); but from 1424 down to 1579, the *impotent poor* had no legal claim to any sort of relief, except that of authorised mendicity; and if the claims of the *able-bodied* poor to

relief during this period were brought under discussion, they certainly were not recognised.

In 1579, the Scotch parliament passed the celebrated statute, 12 Jac. 6. cap. 74., which forms the basis of the existing code of poor laws. This statute is, in several parts, literally copied from an English statute, the 14th of Elizabeth, cap. 5., passed about seven years previously. It introduced, for the first time, the principle of compulsory assessment into Scotland; but with the important limitation, that it confines all legal title to relief to poor, aged, and impotent persons; while it directs that all "idle and lazy vagabonds," including all "common labourers, being *personnes abile in body*, living idle, and fleeing labour," shall be punished as vagrants and vagabonds, and that a fine shall be imposed on every one harbouring such persons, or giving them alms. There is not a word said in the statute about providing work for any unemployed person, though this forms a prominent topic in the English act of the 14th of Elizabeth; and it seems plainly to have been intended to provide merely for the support of such poor impotent persons as had previously been without any means of subsistence, other than what they derived from begging, Besides its directions as to the treatment of vagabonds and sturdy beggars, it prescribes the proceedings to be adopted with respect to runaway servants, the mode of passing soldiers and seamen to their respective parishes, the regulation of hospitals, the mode of taxing (stenting) the inhabitants for the objects of the act, the appointment of overseers, collectors, &c.

Some of the later Scotch acts, and some of the proclamations that were issued in the reign of William III., contain provisions that have been supposed by some to require that work should be provided for the able-bodied poor. But any such interpretation is plainly inconsistent with the principles laid down in the statute of 1579. "The statutes referred to," says Mr. Monypenny, "sufficiently establish that the impotent poor, who are to be enrolled in the parish lists, in order that their wants may be regularly supplied, and for whom an assessment must, if necessary, be imposed, are only such as are *disabled from procuring a living by their own labour*, either by old age, or by some permanent bodily infirmity, or mental incapacity, and who have neither separate means, nor any relations who are bound and able to support them. The whole tenor and declared object of the statutes concur with the particular expressions now pointed out, in proving that such is the prescribed and limited operation of the Scotch poor laws. It is scarcely necessary to remark, that no countenance is given to the idea that, in any case whatever, the wages of labour may be made up out of the poor-rates. All such difficulties, whenever they occur in the country, must be surmounted by other expedients." —See *Monypenny's* (late Judge of the Court of Session) *Treatise on the Scotch Poor Laws*, p. 27.

The fundamental principle thus briefly explained has led, in practice, to the important distinction that exists in Scotland between the *regular* and the *occasional* poor. "Those of the first class," to use the words of the late Rev. Sir H. Moncreiff, "receive a constant supply from the parish funds; those of the second are only assisted when

they are laid aside from work, by sickness or accidental causes, and especially during that season of the year which chiefly affects their health, or suspends their usual labours. They receive at that time such assistance as their immediate necessities demand, for the limited period when they are in this situation; but when the cause which occasioned the demand ceases to operate, the parish assistance is withdrawn, and they return to their labour, under a conviction, which they never relinquish, that both their subsistence and their comfort must ultimately depend on their personal industry."

At present it may be laid down as clear law, that the occasional poor cannot insist on being supported by compulsory means. A measure of this sort, being of the nature of a tax, must not be resorted to without the authority of parliament; and the existing statutory assessment "is confined to the case of the enrolled poor, whose wants are of a permanent description."

It must, indeed, be admitted, that there is a decision of the Court of Session in opposition to this doctrine. In 1804, certain able-bodied individuals, perfectly competent to earn a subsistence by labour, but who were involved, by accidental circumstances, in temporary distress, applied for relief to the heritors (proprietors) and kirk-session of the parish to which they belonged. A majority agreed to relieve their wants by an extraordinary assessment; but the minority appealed to the Court of Session against this decision, — contending that the heritors and session had no power to make an assessment for such a purpose. The court overruled the objection, but only by the narrowest majority, some of the ablest judges being at the same time in the minority. The question has not been agitated since, which shows that the practice has made no way; and it seems now to be the concurrent opinion of those best entitled to decide upon such a point, that if a case of the same sort were again brought before the court, the former decision would not be repeated.

Having thus ascertained the class of persons entitled to support from the poors' funds, we have next to inquire into the amount of the provision allowed to each. This, though an important point, will not detain us long.

A great deal of the abuse of the poor laws of England has originated in the too lavish allowances made to paupers, which, indeed, have been often such as to place them in a decidedly better situation than independent labourers. But such abuses are unknown in Scotland. The statute of 1579, ordered that "inquisition," or inquiry, should be made into the circumstances of every poor person claiming relief, to learn how much would enable him or her to "*live unbeggand.*" An inquiry of this sort into the means and condition of each individual claiming relief, has always been rigorously enforced; and this, whether the relief sought for were to be made through an assessment, or from the sums collected at the church doors, and other voluntary sources. The object in view has uniformly been so to eke out or assist the separate means of the pauper, supposing he has any, that he may not be reduced to the necessity of begging. And it is really astonishing what a small pittance is in general sufficient for this purpose; sometimes not more than a few shillings a year being

required, and rarely more than 3*l.* or 4*l.* In fact it does not often happen in Scotland, that *total maintenance* is supplied to any pauper, unless he be a lunatic, or blind, or has been all his life absolutely impotent, and is without relations able to render him any support. The parish funds are not destined to supplant, but to aid individual means and charity; and the allowance, even when largest, is always regulated by the low standard specified above.

The grand difference between the poor laws of Scotland and England consists in the different parties to whom the administration of the affairs of the poor is intrusted.

The execution of the act of 1579, in country parishes, was committed to those who should be constituted justices of the peace, there not being any such functionaries at that time in Scotland. In consequence, it became necessary to provide other instruments for carrying its provisions into effect; which was done by the acts of 1592, cap. 149.; 1600, cap. 19.; and 1663, cap. 16. By these acts, the management of all matters relating to the poor of country parishes — such as the imposing of assessments, the admitting of claimants to the roll, the distribution of collections, &c. — is committed jointly to the heritors and kirk-sessions in country parishes, and to the magistrates in royal burghs. Some doubts that had occured as to the limits and legal extent of the control that may be exercised by the landlords over the proceedings of the kirk-sessions, were finally put to rest by a decision of the Court of Session in 1751, in the case of the parish of Humbie. The court decided (we quote the words of the judgment) "that the heritors have a joint right and power with the kirk-session, in the administration, management, and distribution of all and every of the funds belonging to the poor of the parish, as well collections, as sums mortified (placed in mortmain), for the use of the poor, and lent out upon interest; and have a right to be present and join with the session in their administration, distribution, and employment of such sums; without prejudice to the kirk-session to proceed in the ordinary acts of administration, and application of these collections to the ordinary and incidental charities, though the heritors be not present, nor attend." The judgment farther declared, "that when any acts of extraordinary administration, such as uplifting money that hath been lent out, or lending or re-employing the same, shall occur, the minister ought to intimate from the pulpit a meeting for taking such matters into consideration, at least ten days before holding of the meeting, that the heritors may have opportunity to be present and assist, if they think fit." And, in a case tried in the next year (1752), it was ruled, that *any single heritor* has right to call the kirk-session to account for their administration of the poors' money. In consequence of these acts and decisions, every thing respecting the administration of the poors' funds in Scotland has been intrusted to those best acquainted with the real wants and situations of the claimants for relief, and who have, at the same time, the strongest motives for confining the charge, on their account, within the narrowest limits. A kirk-session is a sort of ecclesiastical tribunal, established in every parish. Its members are invariably selected from the most respectable classes, and in country parishes are, for the most part, either

proprietors or farmers; and as Scotch farmers generally hold under leases for nineteen years, and are obliged by law to pay half the assessment on account of the poor, should one be imposed on their farms, they have precisely the same interest as the landlords in the economical administration of the affairs of the poor, and in obviating the necessity for an assessment.

So much, indeed, are the interests and the feelings of the heritors and kirk-sessions identified, that except on extraordinary occasions, the former rarely interfere in the management of the affairs of the poor, but leave it to the latter to enrol the regular paupers — to fix the weekly, monthly, or quarterly allowances to be paid to each — to administer assistance to the occasional poor, &c. The members of the kirk-sessions act gratuitously, without receiving any fee or reward; and there is no one acquainted with the subject who will not be forward to admit, that they have discharged the important and difficult duties imposed on them with an integrity, zeal, and considerate regard for the interests of all parties, that has never been surpassed, and very seldom equalled, by any set of functionaries.

Owing to the peculiar constitution of the kirk-sessions, appeals from their decisions to the justices and sheriffs have always been rare, and have never met with any encouragement from the Supreme Court. On the contrary, in 1772, this court set aside the judgment of a sheriff, fixing the provision which an applicant for relief was entitled to receive, on the ground "that he had arrogated to himself powers which belonged exclusively to the minister, elders, and heritors of the parish." A decision to the same effect was given in 1779; and, at length, in 1819, it was finally decided, that there is no appeal to any *inferior court* from the decision of the kirk-session and heritors, either *as to the admissibility of a pauper to the roll, or as to the amount of the allowance to be given him.*

In consequence of the skilful and economical management of the kirk-sessions, and of their repugnance to admit improper persons on the roll, or to administer any relief not required by the exigences of the case, to the able-bodied poor, the sums collected by voluntary contributions, at the church doors and otherwise, have, in most instances, sufficed for the support of the poor; so that assessments have not been introduced into more than about a third part of the parishes of Scotland. It is worthy, also, of remark, that assessments have, in various instances, after being imposed for a time, been abandoned, and the poor again provided for by voluntary contributions. In Scotland, indeed, it has always been held and acknowledged to be law, that assessments are only to be adopted as a *dernier resort;* and that they ought not to be introduced into any parish in which the poor may be otherwise supported. An assessment is not intended to supersede, but to add to the voluntary contributions of the parishioners; and, unless these be insufficient to meet the urgency of the case, it is not to be resorted to.

Dr. Cleland of Glasgow, founding on the statements in a report by a committee of the General Assembly, shows that, in 1820, there were in Scotland 44,119 regular paupers; which, taking the population at 2,093,456 (as ascertained by the census of 1821), gives one

pauper for every 47⅓ individuals. The total sum received in 1820 for the relief of the Scotch poor, including collections at church doors, assessments, voluntary contributions, &c., was 114,195*l.* 17*s.* 9½*d.*; which being divided by the number of paupers, we have 2*l.* 11*s.* 8¼*d.* as the average cost of each. The proportion of paupers to the population, and, the expense of their maintenance, are generally greater in parishes where there are assessments than where there are none. But this is not by any means always the case. In St. John's parish, Glasgow, for example, where assessments have been relinquished, each pauper cost, in 1830, 3*l.* 8*s.* 10½*d.*; whereas in the Barony parish, in the same city, one of the most populous in Scotland, and having assessments, the cost of paupers was only 3*l.* 6*s.* 11*d.*

In 1830, the population of the city and suburbs of Glasgow was 202,426, while the total number of paupers was 5,006, being at the rate of one in every 40·43 persons: the total sum expended upon the poor in the same year was 17,281*l.* 18*s.* 0½*d.*; so that each cost, at an average, 3*l.* 9*s.* 0½*d.* Hence, also, it appears that the total expense on account of the poor, to the independent population of the city and suburbs, did not exceed 1*s.* 9*d.* each!—(*Cleland's Statistics of Glasgow*, p. 34—261.)

The other particulars with respect to the Scotch poor laws are of inferior importance. Assessments in country parishes are imposed, half on the landlords, according either to the real or the valued rent of their estates, and half on the other inhabitants; that is, in nine out of ten cases, on the tenants. And hence, as already observed, the latter, owing to the universal habit of holding farms under pretty long leases, are quite as much interested as the landlords in preventing the increase of pauperism.

There has been, at different periods, a good deal of difference of opinion as to whether the parish an individual was connected with by birth or residence should be bound to support him in the event of his becoming a pauper. But it is now finally adjudged, that if an individual reside for three years in a parish, and support himself during that period by his own industry or resources, he acquires a settlement in it, and, consequently, a legal title to support, if he become infirm and destitute. It is worthy of mention, that how much soever opinions may have varied in Scotland, as to what ought to constitute a settlement, no individual in that part of the empire ever so much as dreamed of making the support of the poor a national instead of a parochial burden. Any such change would, indeed, be wholly subversive of all the principles of the Scotch system, and would set wide the flood-gates of pauperism. Mr. Monypenny truly states, that "the erecting each parish into a separate body, or one great family, as it were, independent, in so far as relates to the poor, of any other parish, was an act of the wisest policy and most unquestioned expediency."

Sect. III. *Provision for the Poor of Ireland.*

The charitable institutions of Ireland have been established either by legislative enactments, or by the exertions of societies or indivi-

duals, and are supported in the former case, wholly, or in part, by grants of public money; and in the latter, by voluntary contributions. But, previously to proceeding to the particulars of each of these classes, a summary statement of the laws against vagrancy may be useful. So early as the year 1447, 25th of Henry VI., an act was passed, directing, "That the sons of husbandmen should not be idle men, but should labour according to their state; or, in default, should be subject to a year's imprisonment and a fine." An act of Henry VIII. prohibits gleaners of corn from working out of their own parishes. By a subsequent act of the same reign, vagrancy is punished by whipping, imprisonment, and confinement in the stocks. That these enactments were found inadequate to prevent the practice, appears from the increased severity of punishment imposed on the offence by an act of Anne, confirmed and amended by another of George II., which directs, that all loose, idle vagrants, or pretended Irish gentlemen, who will not work, but wander about demanding victuals, and other loose persons of infamous lives, shall, on the presentment of a grand jury, be transported for seven years, unless they give security for their good behaviour. In the year 1772, an act was passed to establish houses of industry for the double purpose of the punishment of vagrancy, and the relief of distress: the governors of which were vested with powers to imprison vagrants for periods of four years or under, and to inflict corporal punishment. In pursuance of these acts, a house of industry, on a very extensive scale, was maintained in Dublin by parliamentary grants, and several others in the provinces of Leinster and Munster by grand jury presentments. The compulsory part of the system has been for some time abandoned in the Dublin house of industry, which is now an asylum for aged, sick, and impotent poor. The punishment of vagrancy by transportation is still the law of the land; but is very seldom carried into operation, and then only against persons, who, though acquitted of crime by a petty jury, are of such suspicious character as to prevent their being suffered to go at large without security for their future good behaviour.

The charitable institutions resting on legislative enactments are, — county infirmaries, fever hospitals, dispensaries, lunatic asylums, houses of industry, receptacles for orphans and destitute and deserted children, and asylums for the aged.

County infirmaries were established under an act passed in 1765, by which the primate, the lord chancellor, the bishop of the diocese, and the rector or vicar of the parish in which an infirmary is thought requisite, are made a perpetual corporation for its erection and support. The qualification for governors, by subscription, is fixed at twenty guineas for life, or three guineas a year: and grand juries are empowered to present to the amount of 100*l.*, which sum was afterwards increased to 500*l.*, for the support of the institution. Under authority of this and other subsequent acts, infirmaries have been opened in every county except Waterford, where their establishment has been impeded by a local act, fixing the site of the building in a very inconvenient position.

The first parliamentary grant for the support of a public hospital

for the exclusive treatment of fever was made in 1802. The misery occasioned by the occasional failure of the potato crop has rendered the peasantry peculiarly liable to this dreadful disease. Even the capital has suffered so severely from its infliction, that in one year upwards of 60,000 persons passed through the fever hospitals of that city, out of a population of not more than 240,000. In 1817, a contagious fever spread through most parts of the island, which led to the formation of a general board of health, with a view to check its progress, and prevent its recurrence. It appears from the reports of this board that, on a moderate calculation, a million and a half of persons, out of a population of eight millions, had suffered from fever; of which number at least 65,000 died. Many clergymen of both religious persuasions perished, in consequence of their communication with the sick. In the county of Kerry alone, ten Roman Catholic clergymen fell victims to the disease. An act, passed in 1818, gave additional facilities for establishing fever hospitals: grand juries being authorised to present sums for their support not exceeding double the amount of private subscriptions; and advances for the erection of the buildings, repayable by instalments, were allowed to be made by government. In the following year, powers were granted by the legislature for the annual appointment throughout Ireland of officers of health, to act without salary, and to enforce the cleansing of streets and alleys; to abate nuisances; to fumigate the houses, clothing, and bedding of the inhabitants; and to prevent the spread of contagion by removing strolling beggars. Under these statutes, fever hospitals have been built in various parts of Ireland. There are three in Dublin; besides which, several general hospitals of the city have wards appropriated for the treatment of fever. In the extensive county of Cork there are four fever hospitals; in Tipperary eight; and one in each of the other counties.

Notwithstanding the good effects resulting from county infirmaries and fever hospitals, it was found that the wants of the sick poor called for still more extended measures for their relief. The distance of many parts of every county from these institutions, and the necessary limitation of numbers in them, disabled many from availing themselves of the advantages proposed to be afforded by their establishment. To remedy this defect, an act, passed in 1805, provided that, on the receipt of private contributions for a dispensary to afford medical and surgical aid to the poor, grand juries should be empowered to present a sum equal to the amount of the private subscriptions paid in, to be applied in aid of the maintenance of such dispensary, and to be accounted for on oath. Under this statute, upwards of 400 dispensaries have been established, affording relief to more than half a million of sufferers.

The first asylum for lunatic poor was founded in Dublin in 1745 by the celebrated Dean Swift, who bequeathed 11,000*l.* for its maintenance. It supports 148 patients, a portion of whom pay for their maintenance and medical treatment. With the exception of a few private institutions on a very limited scale, nothing further was done for a long period. An hospital attached to the house of industry in Dublin, a large and well-conducted asylum in Cork, and cells con-

nected with some county infirmaries and poor-houses, formed all the means provided for the medical and moral treatment, or even for the safe custody, of the insane paupers of Ireland. The Report of a committee on the lunatic poor, made in 1817, gives the following appalling description of the treatment of these unhappy creatures:—"There is nothing so shocking as madness in the cabin of the peasant, where the man is labouring in the fields for his bread, and the care of the woman of the house is scarcely sufficient for attendance on her children. When a strong young man is thus affected, the only way they have to manage him is by making a hole in the floor of the cabin, not high enough for a person to stand up in, with a crib over it to prevent his getting out. The hole is about four feet deep: they give the wretched being his food in it, and there he generally dies." Wandering lunatics were dispersed over the country, in the most neglected and disgusting state. The recommendations of the committee now spoken of were followed up by legislative enactments giving them the force of law. The government was empowered to divide the country into a certain number of districts, within which lunatic asylums should be erected; the expenses of the buildings were to be advanced out of the consolidated fund, and repaid by local taxation: their maintenance, when erected, was to be provided for by grand jury presentments. Pursuant to these arrangements, all the counties of Ireland, except that of Cork, and the city of the same name, in which an asylum had been already instituted by a special act, and placed under the control of the grand juries of both these counties, were classed into ten districts, in each of which a lunatic asylum has been erected, and is now in full operation, under the surveillance of the inspectors general of prisons, who give a summary account of them in their annual report to parliament. It appears from the latest of these reports that, in the year ending the 31st of December, 1837, the total number of lunatics in public or private asylums in Ireland was 3,106, showing an average of one lunatic to every 2,576 persons in a population of 8,000,000, or of one to every 2,736 in that of 8,500,000, which, according to some calculations, is now the nearest approximation to the total population. Of this number of lunatics 1708 were in district asylums, 425 in county asylums, managed by the respective grand juries of each; 596 in lunatic wards, attached to houses of industry; 12 in infirmaries; 37 in gaols; 148 in the hospital of St. Patrick, Dublin, endowed by Dean Swift; and 180 in private institutions, maintained by individuals for their own emolument. The following table shows the number of lunatics labouring under the several species of the disease, both in district and other asylums:—

Asylums.	Mania			Epilepsy.	Idiocy.	General Total.
	Curable.	Incurable.	Total.			
District -	590	915	1,505	63	140	1,708
Not District -	232	602	834	187	377	1,398
Total -	822	1,517	2,339	250	517	3,106

Houses of industry have been already noticed, as far as they bear upon the subject of vagrancy. Their institution was occasioned by a tract written by Dr. Woodward, bishop of Cloyne, entitled "An Argument in Support of the Right of the Poor in Ireland to a National Provision." The act under which they were founded directs every such establishment to be divided into four parts, for the infirm and refractory poor of each sex, and authorises the granting of licenses and badges to beggars, a practice which was soon relinquished, as not only useless, but impracticable. This description of pauper establishments appears never to have been highly estimated, as the number of them throughout Ireland does not exceed twelve, including the great central establishment in Dublin already noticed, which is supported exclusively by grants of public money. The combination of punishment and relief in the same institutions is deemed a fundamental defect in their constitution.

The public institutions for the support of orphans and deserted and destitute children are chiefly in the city of Dublin. The principal is the Foundling Hospital, opened in 1704 for the reception of destitute orphans and deserted children, of the age of infancy. These, after their admission, were sent out to nurse, generally in the counties of Wicklow and Carlow; and, when of an age proper for instruction, brought back to the central institution, educated, and apprenticed out to trades. The hospital is supported wholly by parliamentary grants, which, from a daily increasing opinion of the unsoundness of the principle on which such institutions are based, are every year diminished, and additional obstacles put in the way of the admission of children into it. The Hibernian school in the Phœnix Park provides for the children of soldiers; the Marine school for those of sailors. The Blue-coat Hospital was incorporated in 1760 for the maintenance of the children of decayed citizens of Dublin. The Female Orphan House, established originally by voluntary collections at charity sermons in the Protestant churches of Dublin, receives an annual grant of public money. The principal institution for the reception of old men, is the Royal Hospital at Kilmainham for invalid and superannuated soldiers, in which about 300 are supported. The house of industry is now chiefly a receptacle for the aged and impotent poor, having attached to it several infirmaries, and an asylum for idiotic and epileptic cases.

The foregoing statement of the means devised by the legislature, for meeting the claims of pauper disease and infirmity, shows that a provision has been made for the lunatic poor, which is considered by writers well calculated to give a sound opinion on the point, as even more liberal than that afforded in England. The law and practice as to fever hospitals meet all the necessary claims, both of benevolence and of medical police. Infirmaries are established in every county except Waterford; and the dispensary system, combining private subscription with local assessment, and thus affording medical aid to upwards of half a million of sufferers, seems well calculated to produce a reciprocity of kindly feeling between the rich and poor, through the interchange of benevolence and relief. The concurrent testimony of several witnesses before parliamentary com-

mittees justifies the opinion that the provision for the *sick* poor is even larger and more effective in Ireland than in England. In the latter, the institutions for their relief are erected only in large cities and towns, while in the former they are spread over the whole face of the country, and guarded in their management by strict and express statutes.

The charities maintained by the exertions of private benevolence, wholly independent of any aid from general or local taxation, are very numerous, and in general liberally supported. They comprise orphan establishments, schools, hospitals for the aged and impotent, lying-in hospitals, infirmaries, dispensaries, asylums for female penitents, houses of refuge, societies for the temporary relief of sick and indigent room-keepers and of strangers, savings' banks, charitable loans, and mendicity associations. Such institutions are to be found chiefly in the cities and large towns. Dublin, Cork, Limerick, Waterford, Belfast, Londonderry and Drogheda, have each more or fewer of these charitable foundations. They are supported partly by donations, subscriptions, and bequests, and partly by collections at charity sermons. In Dublin, sermons of this nature are preached in one or other of the Roman Catholic places of worship, every Sunday throughout the year, with the exception of Easter; and few, if any, Sundays pass over without similar appeals to public bounty in several of the Protestant parochial churches and Dissenting meeting houses. To enter into the details of management, even of the most remarkable, would be impossible in a summary of this nature: a mere catalogue of their names would be equally useless and uninteresting. The societies for the suppression of mendicity may however be deemed worthy of some further notice. They are among the later and the most singular of the benevolent institutions for lessening the amount of human misery in towns and thickly peopled districts. The distinguishing feature of the system is the supplying the able-bodied paupers with work at reduced rates, until they can be otherwise more profitably employed, and the affording of food and shelter during the day to the aged and impotent, allowing both classes to provide themselves with lodging, for which a trifling weekly stipend is granted, in cases where the labour of the individual is insufficient to procure it. The plan was originally introduced into Belfast from Edinburgh, and being found practically useful there, was commenced in Dublin in 1818, on a scale commensurate with the density of the population, and the number of unemployed paupers, who had hitherto been supported in idleness by the contributions of the more affluent. The average annual income of the Dublin institution is 7,000*l.*, by means of which it is enabled to provide subsistence for about 2,000 paupers who had been, or otherwise would have been, mendicants. The success of the experiment was for some time very great, insomuch that several English philanthropists, who visited Ireland shortly after its formation, observed that they experienced as little annoyance from street begging in Dublin as in London. The example of the metropolis has been followed in several of the larger towns, and, in all cases, has had the effect of diminishing considerably the practice of street begging. In the county of Antrim, a considerable number of

parishes have adopted the plan, for the relief of their own poor to the exclusion of strangers.

But though the amount of suffering arising from corporal infirmity, whether occasioned by sudden accident, or by the visitation of disease, be as much alleviated here as in any other country, that produced by the frequent destitution of large numbers of the able-bodied peasantry has attained a magnitude that baffles all the efforts of voluntary charity. Low wages and inconstant employment, occasioned by a redundancy of population, and the usual exhaustion of the supply of potatoes of the previous year before the crop of the succeeding year can be made use of, seem to be the immediate causes of this state of things. Its prevalence, as testified by the wide spread of mendicity, and the despair and outrage to which it necessarily leads, have produced a strong and general conviction that the introduction of some sort of compulsory provision for the support of the destitute poor is absolutely necessary. We have elsewhere (vol. i. p. 440.) endeavoured to show the influence that the want of such provision has had in bringing about that minute and endless subdivision of the land that is the bane and curse of Ireland. It appears to be satisfactorily established by the evidence taken before the commissioners for inquiring into the state of the Irish poor, that without a compulsory provision, the evil of subdivision will continue to gain ground. A number of landlords have, it is true, become fully aware of the mischievous nature of the practice, and have endeavoured, though in most cases with little success, to counteract it.* But all landlords do not participate in these views; many have deceived themselves by supposing that if the small occupiers became unable to pay their exorbitant rents, or that if they themselves chose to change the management of their estates, they might eject the cottiers and convert the lands held by them into larger tillage or pasturage farms. But this, at least, in three fourths of the country, is *no longer practicable!* The cottiers cling with desperate tenacity to their patches of land, and no wonder. They are the only resource on which they have to depend; and if turned out of them they can hardly escape falling into the extremest destitution. And as the same calamity that has overtaken one, or a few, may equally overtake others, the whole peasantry are instinctively led to combine together; the interest of each being identified with that of his order, every one looks with detestation upon any individual bold enough to come into the place of an ejected cottier. By doing so he makes himself a common enemy, and is marked out for exemplary vengeance, which rarely fails to overtake him, unless he purchase at a high price the *good will* of the tenant that has been ejected. It is a mistake to suppose, as many have done, that the Irish poor are wantonly savage and destructive. Nine tenths of the outrages they commit are the result of calculation and foresight, not of reckless and sudden impulses. They are the efforts of the peasantry to protect themselves from ruin — efforts forced upon

* Mr. Bicheno has fully established, in his *Report on the Poor of Ireland*, that the subdivision of the land has been but little counteracted, and that the condition of the peasantry has deteriorated materially since the country was visited by Arthur Young.

them by the oppressive conduct of many landlords, and by the want of any refuge for the destitute. To such an extent, indeed, is the present combination of the occupiers of the soil carried, that, whatever may be the cause of any one of them leaving his possession, if "good will" be not paid, in other words, if a *guarantee of quiet possession* be not previously obtained, no other tenant dare enter upon it. This is so well understood in many parts, particularly in the south, that the landlord does not venture upon removing a tenant, though only holding from year to year, so long as he pays his rent, unless by his own consent! * and, even in that case, the occupier uniformly sells his "good will!" This extraordinary state of things, so unlike what obtains in England or any other country, has gone far to subvert the right of property: it forms an insuperable obstacle to all improvement; and without the application of effectual measures for its suppression, it could not fail to terminate, at no distant period, in the abolition of rent. From inability to eject a tenant except by his own consent, to inability to enforce payment of rent, there is but a step, and that, apparently, not a very difficult one: but should it be taken, the consequences would be most pernicious; the distribution of the land into small patches would be perpetuated, and the chances of improvement very greatly diminished.

Nothing, as it appears to us, will be so likely to counteract this baneful practice as the introduction of a compulsory provision for the unemployed and impotent poor. The obligation of supporting all the individuals settled on an estate would compel all but the most inconsiderate landlords to adopt every possible precaution to prevent the undue increase of cottages and of population, and to diminish them if they be excessive; not, however, as has hitherto been too frequently done, by turning out poor wretches with no alternative except that of starving in ditches or on the road side, or of banding themselves in nocturnal predatory associations, but by providing for them, under a well-digested system of general arrangements adequate to meet the pressure of such contingencies throughout all parts of the country, until means could be devised for their employment or emigration. Such compulsory provision would oppose an almost insuperable barrier to the further subdivision of the land, at the same time that it would do more than any thing else to facilitate the consolidation of forms.

The soundness of the principle here laid down, combined with the urgent necessity of applying an immediate and effective remedy to the daily increasing evil of pauperism, has for several years been pressing itself more strongly on the minds of intelligent and reflecting people. The legislature too has, at length, taken up the subject, and, after much inquiry and discussion, has declared its opinion of the necessity of some general measure to this effect, by a statute which received the royal assent on 31st July, 1838, entitled "An Act for the more effectual Relief of the destitute Poor in Ireland." This statute is copied from the English Poor Law Amendment Act, and adheres to most of its details. After a declaratory preamble of the expe-

* Mr. Bicheno's *Report on Irish Poor*, p. 37.

diency — it might have said the necessity — of providing for the more effectual relief of the destitute poor of Ireland, it empowers the Poor Law Commissioners of England for the time being to carry the measure into execution. Provision is made for the future appointment by the Crown of an additional commissioner, in case the increase of the duties renders it necessary; and one of them, to be resident in Ireland, is vested with all the powers granted to the Board of Commissioners, except that of making general rules. These powers are very extensive. The Commissioners may summon persons before them; administer oaths; enforce the production, on oath, of documents relating to the treatment of the poor; issue orders for the government of existing workhouses, houses of industry, and foundling hospitals; appoint and remove their officers; allow or disallow their accounts, and, in case of neglect or resistance to their orders, inflict penalties, on conviction before two justices, from five to twenty pounds, with imprisonment and hard labour. They can appoint assistant-commissioners, secretaries, and other subordinate agents, and delegate to such assistants all their own powers, except that of making general rules. The general working of the act is as follows: — As many townlands as are deemed advisable by the Commissioners are to be formed into a union, which may be enlarged, diminished, or altered, as future contingencies require. When a union shall have been thus formed, it is to be divided into districts for the election of guardians, whose number and qualifications are to be fixed by the Commissioners, with the provisos that the qualification is in no case to exceed the net annual value of thirty pounds, and that no person in holy orders, or who is a regular minister of any religious denomination, shall be eligible to the office. The election of guardians is vested in those who pay poors' rates, according to a scale by which each occupier of property in the union shall have from one to six votes, according as the net annual value of such property shall be under 10*l.*, 20*l.*, 50*l.*, 100*l.*, 150*l.*, 200*l.*, or upwards of 200*l.*; and, in case the occupier paying rate shall not be entitled to deduct any part of it from his rent, he is to have double the number of votes above mentioned; and where the nett annual value of the rateable property exceeds the rent paid by the occupier, he is to have, in addition to his votes as occupier, the same number of votes as if such excess of nett annual value were rent received and retained by him without deductions. Votes may be given by proxy; but no occupier paying rent is to be allowed to vote unless he shall have paid up his rates to the commencement of the six months preceding the election. The Commissioners are empowered to fix the qualification of guardians; such qualification to consist in being entitled to vote at elections of guardians, but not so as to require a qualification exceeding the net annual value of 30*l.*

Besides the guardians thus chosen, who are to be elected on 25th March, or within fourteen days next ensuing, annually, every justice of the peace residing in the union, except stipendiary officers, assistant-barristers, and persons in holy orders, as before, are to be *ex officio* guardians, with powers to act until a board of guardians be duly constituted, or in cases of irregularity or delay in any election; with a

proviso, however, that the number of *ex officio* guardians shall never exceed one third of that of the annual guardians. In case of the non-election of guardians, or of default or neglect in the execution of their duties, the commissioners may appoint officers, with salaries payable out of the poors' rates, to discharge their duties. The board of guardians formed according to any of the above conditions is to be a corporation, by the name of "the Guardians of the Poor of ——— Union;" and the commissioners and their assistants are entitled to take part in the discussions, but not to vote, at every meeting of such boards. The board of guardians is empowered to name and pay the inferior officers. When a board has been thus constituted and in action, every house of industry, workhouse, or foundling hospital within the union, which has been either wholly or in part maintained by grants of public money, together with all their property, is to be vested in the Commissioners for the time being, and their buildings may be occupied as workhouses. Where suitable buildings do not exist, the Commissioners may erect workhouses and purchase land not exceeding twelve acres in each union. When workhouses shall have been thus provided, the guardians are to relieve and set to work therein, in the first place, the paupers incapable of supporting themselves through age or infirmity, and destitute children; and then all others unable to support themselves by their own industry; residents in the union in all cases to have a preference. The Commissioners are also instructed to report on the state of fever hospitals, dispensaries, or institutions for the relief of sick paupers, as to the nature and extent of relief afforded by them, and as to the number to be maintained in each union in addition to the workhouse; they are also empowered to inspect and assist in the management of all hospitals or infirmaries partially supported by grand jury presentments or parliamentary grants. A provision is made for the performance of divine service in the workhouses by chaplains of the various religious persuasions; and a clause is inserted against compelling any inmate to attend a religious service different from that which he professes. The guardians are to appoint parish wardens to attend to the conveyance of the paupers to the workhouse, and in general to look into and report on the state of the poor in their respective districts. The Commissioners are also authorised, with the consent of the rate-payers, to levy money at a rate not exceeding a shilling in the pound of the rateable property, to assist in defraying the expenses of emigration, when deemed necessary by the rate-payers of such district. The rates payable on the several kinds of property liable to assessment for the poor, all of which are particularly specified, are to be made on an estimate of the net annual value, according to a probable annual average, and to be paid by the occupier with certain exceptions; and every occupier paying rate, and not entitled to deduct the whole thereof from the rent paid by him, and every person receiving in respect of any rateable property rent from which any deduction shall be made on account of rate, in case such rent shall exceed all rent paid by him in respect of the same property, and every owner of tithe, is to be deemed a rate-payer; and every person entitled to receive tithes from the persons primarily liable to pay or render the

same, is to be exclusively deemed a tithe-owner. An appeal from excessive or unequal assessment of rates, or from the infliction of penalties, may be made to the general sessions of the peace, under certain limitations as to time. With respect to the liabilities of persons likely to be subjected to the provisions of this act, it is declared that husbands are bound to maintain their wives, and all the children of such wives, whether legitimate or not, under the age of fifteen; every father and widow to maintain their children, and every mother her illegitimate children, to the same age; all relief given to a wife or child to be considered as given to the person liable to their maintenance; children to be liable to the support of their parents when incapable to maintain themselves through age or infirmity, and deductions are authorised from pensions in the army or navy in repayment of relief granted to such cases. The punishment for persons refusing to be lodged in a workhouse, or absconding from it while their wives or children are maintained there, or for refusing to work, or for intoxication or insubordination, is fixed at a month's imprisonment with hard labour; and for deserting a wife or child, at three months' similar infliction. The act also requires a general report, containing a statement of the expenditure and number of paupers in every union, and likewise copies of every general order of the commissioners to be annually laid before Parliament by one of the Secretaries of State. Proceedings for carrying this measure into execution were commenced immediately after the close of the session in which it was passed; but several expressions and provisions in it seem to indicate an opinion in its framers that a period of three years at least would be requisite to put the experiment to the test of a fair and full trial.

Various plans have at different times been suggested for alleviating the distress that prevails in Ireland by employing the peasantry in public works; and it has even been proposed to drain and cultivate the bogs at the public expense! But the objections to all schemes of this sort are too numerous and obvious to require to be stated. Any attempt to carry them into effect could not fail, by occasioning the waste and misapplication of the national capital, to be productive of the greatest mischief and inconvenience.

Sect. IV. *Friendly Societies and Savings' Banks.*

National and individual charity, how ample soever, is but a sorry substitute for the want of a spirit of forethought and providence on the part of the poor. Happily this spirit prevails in a very high degree in England; and a good deal has recently been done to strengthen and extend its influence. Of the various means that have been suggested in this view, and for enabling the poor to provide a resource against sickness and old age, none seem so likely to accomplish their object as the institution of friendly societies and savings' banks. The former are founded on a principle of mutual insurance. Each member contributes a certain sum, by weekly, monthly, or annual subscriptions, while he is in health; and receives from the society a certain pension or allowance when he is incapacitated for

work by accident, sickness, or old age. Nothing, it is obvious, can be more unexceptionable than the principle of these associations. Owing to the general exemption from sickness until a comparatively late period of life, if a number of individuals under 30 or 35 years of age, form themselves into a society, and subscribe each a small sum from their surplus earnings, they are able to secure a comfortable provision for themselves in the event of their becoming unfit for labour. Any single individual who should trust to his own isolated efforts would plainly be placed in an infinitely more hazardous position. Whenever an unfavourable contingency exists, the best and cheapest way of obviating its effects is by uniting with others, each subjecting himself to a small privation, so that none may be overwhelmed by any great calamity. However industrious and frugal, an individual, not a member of a friendly society, might not be able to insure his independence; inasmuch as the occurrence of any accident, or an obstinate fit of sickness, might, by throwing him out of employment, and forcing him to consume the savings he had accumulated against old age, reduce him to a state of indigence, and oblige him to become dependent on the bounty of others. Hence the paramount utility of the societies in question.

For these and other reasons, which our limits will not permit us to state, we are glad to find that friendly societies have been very widely introduced. There were enrolled from the 1st of January, 1793, to the commencement of 1832, no fewer than 19,783 such societies; of which 16,596 were in England, 769 in Wales, 2,144 in Scotland, and 274 in Ireland. The societies existing in 1815 are said to have comprised 925,429 individuals. We have, however, some doubts as to the authenticity of this statement; but, if it may be depended on, the societies now in existence must comprise above 1,200,000 members! It should also be recollected that the progress of these societies, though great, and most honourable to the labouring population of Great Britain, has been not a little counteracted by the ignorance and mismanagement of their officers, and by the real difficulty of establishing them on a secure foundation. The great error has consisted in their fixing too high a scale of allowances. At their first institution they are necessarily composed of members in the prime of life; there is, therefore, comparatively little sickness and mortality amongst them. In consequence their funds rapidly accumulate; and they are naturally tempted to give too large an allowance to those members who are occasionally incapacitated. But the circumstances under which the society is placed at an advanced period are materially different. Sickness and mortality are then comparatively prevalent. The contributions to the fund decline at the time that the outgoings increase; and it has not unfrequently happened that the society has become altogether bankrupt; and that the oldest members have been left, at the close of a long life, destitute of all support from a fund on which they had relied, and to which they had largely contributed.

But the errors in the constitution of friendly societies have been, in a great degree, amended. Various efforts, several of which have been productive of beneficial effects, have been made by private individuals and associations, and by the legislature, to obviate the chances of

their failure, and to encourage their formation on sound principles. Two Reports, by committees of the House of Commons, on the laws respecting friendly societies, printed in 1825 and 1827, supply a great deal of important and useful information; and the Reports and tables published by the Highland Society are also valuable. There are, doubtless, several important points that still remain to be satisfactorily cleared up; but, in the mean time, enough has been done to enable government to interfere with effect in assisting the formation of friendly societies on a solid foundation. In this view several statutes have, at different times, been passed; but the act 10 Geo. 4. c. 56. repealed all previous statutes, and with the act 4 and 5 Will. 4. c. 40. embodies the existing law upon the subject. All friendly societies, claiming the benefit of these acts, are obliged to submit a statement of their rules and regulations for the approval of the officer appointed by government for that purpose; and it is only in the event of their being approved by him, and the tables of payments and allowances appearing suitable to the justices, that the society is to be confirmed by the latter, and becomes entitled to the privileges conferred by the act in question. These consist in being allowed to invest the funds of the society in government securities at a minimum rate of interest (2½*d.* per cent. per diem), and in the funds of savings' banks. But it is, of course, open to any individuals, not seeking any connection with government, to establish friendly societies on any terms they may think proper.

Savings' Banks.—Though not so well calculated as friendly societies to enable the labouring classes to provide against sickness and old age, savings' banks are very valuable institutions, and are eminently entitled to the public patronage and support. The want of a safe place of deposit for their savings, where they would yield them a reasonable interest, and whence they could withdraw them at pleasure, has formed one of the most serious obstacles to the formation of a habit of accumulation among labourers. Public banks do not generally receive a less deposit than 10*l.*; and there are but very few amongst the labouring classes who find themselves suddenly masters of so large a sum; while, to accumulate so much by the weekly or monthly saving of a few shillings, appears at first view almost a hopeless task; and should an individual have the resolution to attempt it, the temptation to break in upon his little stock at every call of necessity might be too strong to resist. At all events, the progressive addition of interest is lost during the period of accumulation, and it even frequently happens that the chest of the servant or labourer is not safe from the depredations of the dishonest; while the very feeling of insecurity which such a circumstance inspires, must operate as a fatal check to habits of saving. A similar effect results from the instances that have often occurred, where those poor persons who had, in despite of every discouragement, accumulated a little capital, have been tempted by the offer of a high rate of interest, to lend it to persons of doubtful characters and desperate fortunes, whose bankruptcy has involved them in irremediable ruin. It is plain, therefore, that nothing could be productive of greater advantage, with a view to the formation of those new and improved habits, that must necessarily

result from the diffusion of a spirit of frugality and forethought among the poor, than the institution of savings' banks, or places of safe, convenient, and advantageous deposit for their smallest savings. They are no longer tempted, from the want of facility of investment, to waste what little they can save from their expenditure in frivolous or idle gratifications. They now feel assured that their savings, and the interest accumulated upon them, will be faithfully preserved to meet their future wants: and as there are very few who are insensible of the blessings of independence, there is no reason to suppose that they will be slow to avail themselves of the means of accumulation now in their power.

All moneys paid into any savings' bank, established according to the provisions of the act, 9 Geo. 4. c. 92., are ordered to be paid into the banks of England and Ireland, and vested in bank annuities or exchequer bills. The interest payable to depositors is not to exceed 2½*d.* per cent. per diem, or 3*l.* 8*s.* 5¼*d.* per cent. per annum. No depositor can contribute more than 30*l.*, exclusive of compound interest, to a savings' bank in any one year; and the total deposits to be received from any one individual are not to exceed 150*l.*; and whenever the deposits and compound interest accruing upon them, standing in the name of any one individual, shall amount to 200*l.*, no farther interest shall be paid upon such deposit. The number of depositors in savings' banks, in England, Wales, and Ireland, on the 20th of November, 1834, amounted to 499,207, and the deposits to 15,369,844*l.*, giving an average deposit of 30*l.* 16*s.* to each. We subjoin

An Account of the Number of Depositors, classified according to the magnitude of their Deposits, and of the total and average Amount of such Deposits, in England, Wales, and Ireland, on the 20th November, 1834.

Depositors.	England.			Wales.		
	Number of Depositors.	Amount of Investment.	Average Investment by each Depositor.	Number of Depositors.	Amount of Investment.	Average Investment by each Depositor.
L.		L.	L.		L.	L.
Under 20	229,247	1,604,900	7·0	5,555	42,936	7·7
— 50	121,769	3,731,254	30·6	3,819	109,358	30·2
— 100	52,757	3,636,532	68·9	1,367	92,532	67·6
— 150	18,313	2,198,417	120·0	400	47,495	118·7
— 200	9,678	1,638,209	169·3	181	30,272	167·2
Above 200	3,081	772,990	250·9	61	14,463	237·1
Total	434,845	13,582,102	31·2	14,183	336,976	30·1

Depositors.	Ireland.			Total England, Wales, and Ireland.		
L.		L.	L.		L.	L.
Under 20	25,561	193,919	7·5	260,363	1,841,755	7·1
— 50	19,769	606,985	30·7	145,157	4,477,597	30·6
— 100	5,946	385,393	64·8	60,070	4,114,177	68·5
— 150	1,318	158,623	120·4	20,031	2,401,535	120·0
— 200	516	88,472	171·5	10,375	1,756,953	169·3
Above 200	69	17,374	257·8	3,211	804,827	250·6
Total	53,179	1,450,766	27·3	499,207	15,369,844	30·8

There is no return of the Scotch savings' banks; at all events, no return has been published.

The well-established system of banking that has long existed in Scotland, and the practice adopted by all the Scotch banks, of receiving deposits of the amount of 10*l.*, and sometimes less, and paying interest on them at about 1 per cent. below the market rate, has

been productive of the greatest benefit. It has, as it were, extended the advantages of the savings' bank system to all classes of the community, and has, in consequence, contributed materially to diffuse a spirit of economy and accumulation among the middle and upper, as well as the lower classes. The aggregate deposits in the different Scotch banks may, at this moment, be estimated at from 20,000,000*l.* to 25,000,000*l.*, producing an interest of about 2½ per cent.; and we believe it may be safely affirmed that, but for the facilities of accumulation afforded by the Scotch banking system, the half of those deposits would never have existed! It is to be regretted that the Bank of England gives no interest on deposits either at the head office in the metropolis, or at any of her branches. Perhaps she has good reasons for declining to undertake the responsibility that the receiving of deposits at interest in the metropolis would, undoubtedly, bring along with it. But if she could, consistently with her own security, receive deposits on the plan followed by the Scotch banks, it would be productive of the greatest advantages; and would do more to promote accumulation than could be done by any other measure it seems practicable to suggest.

Savings' Bank Annuities. — Within these few years government has adopted the principle of selling immediate or deferred annuities, of not less than 4*l.* or more than 20*l.* a year, to the labouring classes not under 15 years of age. Such annuities are sold under the provisions of the act 3 and 4 Will. 4. c. 14. The purchaser may either pay down the whole sum at once, or he may pay it by weekly, monthly, or yearly instalments. And, to encourage parties to buy, it is provided, that if an individual become unable to continue his payments, or die before the deferred annuity commences, all the sums he has paid are to be returned, without interest, to his executors or family. All negotiations for annuities of this description are to be conducted through savings' banks, and hence their name.

Much, though, as it appears to us, very little deserved, eulogy has been lavished upon this statute. No doubt it was dictated by the best intentions on the part of government, and it may, in various instances, be advantageous to the parties. Still, however, we cannot help considering the principles on which it is bottomed as radically unsound. If government will interfere in such matters, its object ought to be to diffuse a spirit of accumulation and forethought into all classes, and, in as far as possible, to make people live for others as well as for themselves. But the savings' banks annuity act proceeds on entirely opposite principles. So far as it extends, its influence is subversive of accumulation, and goes to encourage the selfish and unsocial propensities, by tempting individuals to consume their whole property during their lifetime, without thinking or caring any thing about those who may come after them. One of the grand objections to the method of borrowing formerly practised in France was, that the debt was principally funded in *rentes viagères*, or life annuities, and consequently that it tended to keep up and diffuse spendthrift and careless habits. The influence of the system now alluded to, though less in degree, is precisely of the same kind. Had government given facilities to the middle and lower classes for insuring sums for their

wives and children, in the event of their death, it might have been highly advantageous. But the system they have set on foot does not encourage providence, but extravagance; and, if extensively acted upon, would be so very hostile to the public interests that it would have to be put down by legislative interference.

Private Charities.—Exclusive of the immense sums raised by compulsory assessment, there is no country in which such large sums are voluntarily subscribed for the support and education of the poor as in England. We have already given a statement (see *antè*, p. 453.) of the annual revenue arising from property left for the benefit of charitable institutions, in those counties of England and Wales, the charitable foundations of which have been investigated by the commissioners. But the income derived from the property so left, though with proper management it would amount to a very large sum, is undoubtedly far below the sums annually expended in voluntary donations to charitable establishments, and in gifts to individuals. In all parts of the country there are hospitals, dispensaries, schools, and all descriptions of miscellaneous charities supported by such means. The very catalogue of the names of such charities in London and other large towns would occupy a considerable space. A good deal of jobbing and abuse is believed to have insinuated itself into not a few of these establishments: but, speaking generally, they are well managed, and have been productive of much good.

CHAPTER IX.—Origin and Progress of the English Language.

A great portion of Europe was at a remote period inhabited by wandering tribes of Celts, whom we may suppose to have been as uncivilised as the savage tribes who now inhabit the interior of Africa. Their early progress in Britain and Ireland may in some measure be ascertained from the records of history: but the rudest nations, although they furnish materials for history, do not themselves produce historians; and, when all other memorials have utterly decayed, we are sometimes enabled, by the names which they have permanently affixed to some of the great objects of nature, to trace their progress with as much certainty as the hunter of the forest can trace the footsteps of his prey. When we find rivers, mountains, and promontories described by Celtic names, in a country or district where history has never mentioned the settlement of a Celtic horde, we are at no loss to account for such names: we are satisfied with the application of a single hypothesis, and instantly arrive at the conclusion that Celtic names must have been imposed by Celtic inhabitants.

When the Romans invaded the south of Britain, they found the country possessed by people of this generic origin. The invasion took place about fifty-five years before the Christian era; and the in-

vaders retained their ascendancy till the commencement of the fifth century. During this interval the Romans imparted to the rude natives some tincture of their own intellectual refinement, but must have left the British language as they found it: the foreign settlers were not sufficiently numerous to produce any change in the speech of the original inhabitants. When the Roman empire was tottering to its fall, the Britons recovered their independence. They divided themselves into many petty states, and exercised many petty animosities, which impaired the national strength, and rendered them an easy prey to foreign invaders. The pirates of Saxony had long been accustomed to make occasional depredations on their coasts. The Picts and Scots, that is, the Goths and Celts of Scotland, infested them from the north; and at length the sense of common danger produced some degree of union in their councils and exertions. In this condition of their affairs, the Saxons obtained a permanent footing in the country. In the year 449, as the Saxon Chronicle informs us, "Hengest and Horsa, invited to his aid by Vortigern, King of the Britons, arrived in Britain in the place called Ipwinesfleet: they first came to the assistance of the Britons, but afterwards fought against them. The king directed them to fight against the Picts, and they did so, and were victorious wherever they came. They then sent to the Angles, and desired them to send more assistance, telling them of the worthlessness of the Britons, and the fruitfulness of the land. They then sent to them more assistance; then came men from three provinces of Germany, from the Old Saxons, from the Angles, from the Jutes." *

The Saxons, like other Gothic tribes, derive their origin from a mighty horde which wandered from the east, and gradually overran the best portions of Europe. 'So early as the time of Ptolemy the geographer, this particular tribe had proceeded as far to the westward as the banks of the Elbe, and their primitive seat was between this river and the Eyder. Although at first they were not very formidable for their numbers, they gradually obtained a powerful ascendancy in Germany. Towards the middle of the third century, they entered into a league with the Franks for the purpose of opposing the Roman arms; and they afterwards enlarged their connections and increased their influence, till it predominated in a territory of great extent, reaching from the Eyder to the Rhine. This wide tract of country was not entirely peopled by Saxons; it included various nations, united by the ties of a kindred origin, and actuated by a sense of common interest or danger; but such was the ascendancy of the Saxons, that they communicated their name to the entire confederacy, which, among other nations, comprehended the Jutes, who inhabited the south of Jutland, and the Angles, who inhabited the adjacent district of Anglen. Hengest and Horsa, the leaders whom we have already mentioned, were not Saxons, but Jutes. The subsequent emigrants were for the most part Angles,

* *Saxon Chronicle*, p. 14. Ingram's edit. Lond. 1823, 4to. See likewise *Mr. Turner's History of the Anglo-Saxons*, and *Dr. Bosworth's Elements of Anglo-Saxon Grammar*, p. 279. Lond. 1823, 8vo.

and their descendants were long distinguished by the appellation of Anglo-Saxons. The first part of the name denotes the predominant tribe; the second denotes the original relation of that tribe to the Saxon confederacy. The new country which they acquired was denominated Engla-land, or the land of the Angles. These German invaders established themselves in the most fertile districts, and gradually displaced the Celtic inhabitants, till at length they were chiefly confined to the fastnesses of Wales, where the prevalence of the ancient language still indicates the continuance of their race. Eight new states were formed by the Anglo-Saxons, who maintained their independence till the year 1016, when they were subjected to the yoke of a Danish conqueror. Canute and his two sons, Harold and Hardicanute, reigned in England for the space of 26 years. A Danish court, and a Danish army, with other settlers, must have had some influence on the common speech, especially as the language of the conquerors was not very dissimilar to that of the conquered. But the laws and other public documents continued to be written in the Saxon tongue, and this new dynasty soon finished its course. The Saxon line of kings, which was restored in 1042, terminated in 1066, when Harold II. was slain at the battle of Hastings, and William Duke of Normandy ascended the throne of England. The Saxon dominion had thus continued for the best part of three centuries; and, as the great body of the people were still of this race, it is obvious that their national language must have survived their political power. A writ in the Anglo-Saxon tongue was issued by Henry the Third, who began his reign in the year 1216.*

In the language spoken by this ancient people, a great variety of literary reliques has been preserved. "The Anglo-Saxon literature," says Professor Rask, "possesses, in many respects, even for its own sake, no small degree of interest. The numerous ancient laws throw considerable light upon the laws of the old Germans and Scandinavians, as well as upon their customs and civil institutions.† The old chronicles and genealogies are important sources for the ancient history of the Low German and the Scandinavian nations. The various documents illustrate much in English history. Even the theological remains, showing the constitution and doctrine of the ancient church, are not devoid of value for ecclesiastical history, especially to the modern English and Scottish churches. The translation of several parts of the Scripture may likewise be advantageously employed in biblical researches. But of all, the poetical pieces are the most interesting, especially the great Anglo-Saxon poem, in forty-three cantos, published at Copenhagen, in 1815, by the Royal Archivarius G. J.

* Dr. Wallis has made the following remark on the conqueror's attempt to introduce the Norman language: "Non autem quod aggressus erat, est assecutus; quippe quod Normannorum qui huc advenerant, si ad Anglos quibus immiscebantur comparentur, exiguus erat numerus, qui ideo suam citius amiserunt linguam quam Anglicanam immutare potuerint. (*Grammatica Linguæ Anglicanæ*, p. xx. edit. Lond. 1765, 8vo.)

† See *Dr. Phillips's Versuch einer Darstellung der Geschichte des Angelsächsischen Rechts.* Göttingen, 1825, 8vo.

Thorkelin *, which, from its commencement, he has aptly entitled *Scyldingis*. This is perhaps the only Anglo-Saxon piece possessing value on account both of its matter and style, particularly for the nations of the north; the principal hero being Swedish or Gothic, though the action lies in Denmark." † This ancient poem, more generally known by the name of *Beowulf*, has been translated into Danish verse by Dr. Grundtvig ‡, and ably illustrated by the late Mr. Conybeare. §

The language of the conquerors became the language of the king's court, and of all the courts of law. The pleadings of counsel, and the decisions of judges, were couched in a dialect which is commonly described as Norman French, but which in the mouths of English lawyers became utterly barbarous; and more curious specimens of composition are scarcely to be found, than those which occur in the reports of cases written in a jargon half French half English. Lawyers have in all ages been conspicuous for their stiff adherence, with or without reason, to those forms and maxims in which they themselves have been duly trained. Long after French had ceased to be the language of legal proceedings, they adhered to the practice of reporting cases in the motley dialect used by their predecessors; for, as Blackstone remarks, "the practisers being used to the Norman language, and therefore imagining that they could express their thoughts more aptly and more concisely in that than in any other, still continued to take their notes in law French; and, of course, when those notes came to be published, under the denomination of reports, they were printed in that barbarous dialect; which, joined to the additional terrors of a Gothic black letter, has occasioned many a student to throw away his Plowden and Littleton, without venturing to attack a page of them." ‖ By the 36 Edw. 3. c. 15. it was enacted, that for the future all pleas should be pleaded, shown, defended, answered, debated, and judged in the English tongue, but should be entered and enrolled in Latin. The statutes of the realm long continued to be promulgated in French; and it was only from the accession of Richard III. that Englishmen were governed by laws written in their native tongue. ¶

* *De Danorum Rebus gestis Secul.* III. *et* IV. Poema Danicum dialecto Anglo-Saxonica. Havniæ, 1815, 4to. A more recent edition may be found in an elegant little volume, published under the following title: *The Anglo-Saxon Poems of Beowulf, the Travellers Song, and the Battle of Finnes-Burh;* edited, together with a glossary of the more difficult words, and an historical preface, by John M. Kemble, Esq., M. A. of Trinity College, Cambridge. Lond. 1833, 8vo.

† *Rask's Grammar of the Anglo-Saxon Tongue,* translated from the Danish by B. Thorpe, p. vii. Copenhagen, 1830, 8vo.

‡ *Bjowulfs Drape: et Gothisk Helte-Digt fra forrige Aar-Tusinde, af Angel-Saxisk paa Danske Riim,* ved Nik. Fred. Sev. Grundtvig, Præst. Kiöbenhavn, 1820, 8vo.

§ *Conybeare's Illustrations of Anglo-Saxon Poetry,* p. 30. Lond. 1826, 8vo.

‖ *Blackstone's Commentaries on the Laws of England,* vol. iii. p. 318.

¶ "The reign of Richard III." says Barrington, "is a remarkable epoch in the legislative annals of this country; not only from the statutes having continued from this time to be in the English language, but likewise from their having been the first which were ever printed." (*Observations on the more ancient Statutes,* p. 389.)

The Norman conquest proved fatal to the entire race of Anglo-Saxon nobility, many of whom lost their lives, and almost all of them their property. Not a few of the number sought refuge in different monasteries. Some of them became abbots, and others closed their career as monks. The lands of the Saxon earls were transferred to the Norman barons, who found it necessary to consult their personal safety by inhabiting fortified towns and castles. They must have had but little intercourse with their vassals, whom they probably did not respect, and whom they had much reason to fear. They retained their native tongue, and seldom acquired any other. For a long period of time, the peasantry continued unmixed with foreign settlers: they continued to cultivate the same soil; and, when the written language of the kingdom had received many foreign accessions, the rustic dialect preserved its primitive elements with very few material changes. Much of the patois of different countries consists, not in adulterations of the modern, but in remnants of the ancient language. Many Anglo-Saxon words and idioms, unintelligible to persons of a refined education, are still current among the rural population of some particular districts of England.*

The English monarchs of the Norman race were liberal patrons of such literature as they themselves understood. French poetry appears to have been relished at the court of England; and, according to a very competent judge, M. de la Rue, it was from England and Normandy that the French received the first works which deserve to be cited in their language. The works of many Anglo-Norman poets have been preserved, and they certainly form a curious subject of literary research. In this department, a learned lady, Marie de France, makes a prominent figure. Her poems have recently been edited by M. de Roquefort †; and one of the historical poems of Wace still more recently by M. Pluquet. ‡ A history of the Anglo-Norman poets and poetry has just been published by M. de la Rue, who long ago exhibited sufficient evidence of his being well qualified for such an undertaking. §

Of the language spoken by the great body of the people about a century after the conquest, the reader may in some degree be enabled to judge, from the following specimen of Lyamon's translation of Wace's *Brut d'Angleterre.* The translator describes himself as a priest of Ernlye upon Severn, and he is supposed to have completed his task about the year 1180: —

* "Provincial words, accompanied by an explanation of the sense in which each of them still continues to be used in the districts to which they belong, would be of essential service in explaining many obscure terms in our early poets, the true meaning of which, although it may have puzzled and bewildered the most acute and learned of our commentators, would perhaps be perfectly intelligible to a Devonshire, Norfolk, or Cheshire clown." *Wilbraham's Attempt at a Glossary of some Words used in Cheshire*, p. 4. Lond. 1826, 8vo.

† *Poésies de Marie de France.* Paris, 1820, 2 tom. 8vo.

‡ *Le Roman de Rou et des Ducs de Normandie*, par Robert Wace. Paris, 1827, 2 tom. 8vo. M. Pluquet had previously published a *Notice sur la Vie et les Ecrits de Robert Wace, Poète Normand du XIIme Siècle.* Rouen, 1824, 8vo.

§ *Essais Historiques sur les Bardes, Jongleurs, et les Trouvères Normands et Anglo-Normands*, par M. l'Abbé de la Rue. Caen, 1834, 3 tom. 8vo.

Tha the masse wes isungen,
Of chircken heo thrungen.
The king mid his folke
To his mete verde,
And mucle his dugethe:
Drem wes on hirede.
Tha quene, an other halve,
Hire hereberwe isohte:
Heo hafde of wif-monne
Wunder ane moni en.*

"When the mass was sung, out of the church they thronged. The king amid his folk to his meat fared, and many of his nobility: joy was in the household. The queen, on the other side, sought her harbour, or lodging: she had wonderfully many women with her." Here, and in a much more ample specimen of the same work, we perceive no mixture of French words. The idiom is essentially Anglo-Saxon, but with some indications of its being already in a state of transition: the vestiges of the language, in its more modern form of English, may be distinctly traced. Of the language, in a state more considerably advanced, we find a specimen in a facetious poem published by Dr. Hickes: —

Far in sea, by West Spain,
Is a land ihote Cokaygne,
There n' is land under heaven-rich
Of wel of goodness it y-like.
Though Paradise be merry and bright
Cokaygne is of fairer sight.
What is there in Paradise
But grass, and flower, and green rise?
Though there be joy and great dute,
There n' is meat but fruit;
There n' is hall, bure no bench,
But water manis thirst to quench.†

In this poem, which apparently belongs to the thirteenth century, we perceive a further deviation from the Anglo-Saxon idiom. In the preceding extract, the obsolete spelling is not retained, and the language is thus rendered more intelligible; but, as it is likewise necessary to exhibit the progress of orthography, we have not in other instances adhered to the same practice. The subsequent quotation is from a metrical history of England, written by Robert a monk of Gloucester, who appears to have lived after the year 1278. This rhyming chronicle, as Mr. Warton has remarked, is totally destitute of art or imagination. The author thus describes the island of Ireland, nor does he fail to mention its exemption from venomous reptiles: —

* *Ellis's Specimens of the Early English Poets*, vol. i. p. 61.

† *Hickesii Linguarum Vett. Septentrionalium Thesaurus*, tom. i. p. 231. *Ellis's Specimens*, vol. i. p. 83. — "This poem," says Mr. Boucher, "begins with the description of the land of voluptuous indolence; which it is hardly possible to read without being reminded of *Thomson's Castle of Indolence*. Admitting, however, that the author of the *Seasons* may have seen this ancient piece in Hickes, the manner in which he has imitated it does him more credit, as a man of judgment and good taste, than discredit on the score of a want of originality." (*Introduction to a Glossary of Obsolete and Provincial Words*, p. xl.)

Yrlond ys aler yle best with oute Engelonde.
The see goth al abouten hym eke as ich vnderstonde.
More he ys than Engolond, and in the south half he ys
Bradder and more of ynow than in the north ende y wys.
Ageyn the lond of Spayne he stond in the north syde rygt.
Selde snowe ther inne lith, and nameliche thre nygt.
So euene hot that lond ys, that men durre selde
Here orf in howse awynter brynge out of the felde.
Lese lasteth ther al the wynter: bute hyt tho more wonder be,
Selde we schal in the lond eny foule wormes se:
For nedres ny other wormes ne mow ther be nogt;
And gef he beth thider bi cas from other londes y brogt,
Heo dyeth thorg smel of the lond, other thorg towchyng y wys:
Eche gras that ther inne wexeth a geyn venym yt ys.
For men that ben venymed, thorg grases of Yrlond
Y dronke he beth y clansed sone, thoru Godes sonde.
Hony and mylk ther ys muche, mony folk and bolde.
This ys the stat of Yrlond, as iche habbe y tolde.*

Another chronicler, who however belongs to a period somewhat more recent, was Robert Manning, more commonly called Robert of Brunne. He has himself stated that he had resided 15 years at Brunne, or Bourne, in the priory of black canons, where in the year 1303 he began his translation of Grosteste's *Manuel des Péchés.* This version still continues in manuscript; but one portion of his historical work, his translation from Langtoft, has been edited by the indefatigable Hearne, who rendered a similar service to Robert of Gloucester. The inedited portion consists of a translation from Wace's *Brut.* Peter Langtoft was an Augustine canon of Bridlington, in Yorkshire, and is supposed to have died in the reign of Edward II. The subsequent passage relates to Sir William Wallace: —

Whan Sir Jon of Warenne the soth vnderstode,
That the Waleis gan brenne, an oste he gadred gode,
And went to Striuelyne agayn Waleis William,
Bot the erle with mykelle pyne disconfite away nam;
And that was his folie, so long in his bed gan ligge,
Untille the Waleis partie had vmbilaid the brigge:
With gauelokes and dartes suilk ore was non sene,
Myght no man tham departe, ne ride ne go bituene.
Thore first tham tauht how thei did Fawe kirke:
Alle gate the brigge he rauht, of nouht our men were irke.
Whan the erle herd say, the brigge how William toke,
He douted to die that day, that bataile he forsoke.
The Inglis were alle slayn, the Scottis bare tham wele
The Waleis had the wayn, als maistre of that eschele.
Al that ilk stoun was slayn on our side
God men of honour, that wald to the bataile bide.†

A more curious specimen of composition is to be found in the *Vision of Piers Plowman*, which appears to have been written about the year 1362, and which is commonly ascribed to Robert Langland, a secular priest. The work, which comprehends a series of visions, is replete with satire on the different orders of men, especially on the clergy, both regular and secular; but it is likewise diversified by a succession of incidents, and furnishes abundant evidence of the

* *Robert of Gloucester's Chronicle*, vol. i. p. 43.

† *Peter Langtoft's Chronicle*, as illustrated and improved by Robert of Brunne, vol. ii. p. 297.

author's talents for description. His mode of versification is not unworthy of particular notice. It was employed by the Islandic as well as by the Anglo-Saxon poets, and was constructed with some degree of nicety. Their lines are generally short, and they do not rigorously confine themselves to a definite number of syllables. Here alliteration supplies the place of rhyme: the corresponding sounds are at the commencement, not at the termination of words. In two contiguous and connected lines, there must be three words beginning with the same letter; and, according to the strictest rule, two of those words ought to occur in the first, and the other ought to begin the second line. It was on such a model that this poet constructed his verses, though he has not observed all the niceties of his predecessors. In the editions, and indeed in the manuscripts of his poem, what is exhibited as a single verse is in reality a distich, and admits of a division without any degree of violence.* Our extract from this remarkable work must necessarily be very brief: —

And to the church gan ich go, God to honourie,
By for the crois on my knees knocked ich my brest,
Sykinge for my sennes, segginge my Pater noster,
Wepyng and wailinge tyl ich was a slepe;
Thenne mete me moche more than ich by for tolde
Of the mater that ich mete fyrst on Malverne hulles.
Ich sawe the feld ful of folk fram ende to the other,
And Reson revested ryght as a pope,
And Conscience his cocer by fore the kynge stande.
Reson reverentliche by for al the reame
Prechede and provide that thuse pestilences
Was for pure synne to punyshe the puple;
And the south west wynd on Saturday at eve
Was pertliche for prude, and for no poynt elles.
Piries and plomtrees were poffed to the erthe,
In ensample to syggen ous we sholde do the betere:
Beches and brode okes weren blowe to the grounde,
And turned upward here tayl, in tokenynge of drede
That dedlych synne er domys day shal for do us alle.†

After these specimens of verse, we shall exhibit a specimen of prose, selected from the seventh chapter of the Acts of the Apostles, as translated by John Wycliffe. The translator, who was born about the year 1324, and died in the year 1384, may be regarded as the father of English prose. He was the author of various works in Latin as well as English; but the most important of his literary labours was a complete version of the Scriptures. He was the great precursor of Luther, who appeared after an interval of 150 years; and it may perhaps be safely affirmed, that to him the cause of reformation was more deeply indebted than to Luther himself: —

"This Moises ledde hem out, and dide woundris and signes in the lond of Egipte, and in the Reed See, and in desert fourti gheeris.

* *Rask's Grammar of the Anglo-Saxon Tongue*, p. 135. *Conybeare's Illustrations of Anglo-Saxon Poetry*, p. 65. See the new edition of the *Encyclopædia Britannica*, vol. viii. p. 270.

† *Vision of Piers Plouhman*, p. 81. Whitaker's edition. Lond. 1813, 4to. Dr. Whitaker has remarked, that "Spenser, in his great work, was deeply indebted to Langland, especially for his personification of the vices."

This is Moises that seide to the sones of Israel, God schal reise to ghou a prophete of ghoure britheren; as me ghe schulen heere him. This it is that was in the chirche in wildirnesse with the aungel that spak to him in the mount Syna and with our fadris, which took wordis of lyf to ghyue to us: to whom oure fadris wolden not obeie, but puttiden him awei, and weren turned awei in hertis into Egipte, seiynge to Aaron, Make thou to us goddis that schulen go bifore us; for to this Moises that led us out of the lond of Egipte, we wite not what is don to hym. And thei maden a calf in tho daies, and offriden a sacrifice to the mawmet*, and thei weren glad in the workis of her hondis; and God turnyde and bitook hem to serue to the kynghthood of heuene; as it is writen in the book of prophetis, Whether ghe hous of Israel offriden to me slayn sacrifices, either sacrifices of oostis fourti gheer in desert? And ghe han take the tabernacle of Moloch, and the sterre of ghoure god Renfam, figuris that ghe han maad to worschipe hem: and I schal translate ghou into Babiloyne. The tabernacle of witnessyng was with oure fadris in desert, as God disposide to hem, and spak to Moises, that he schulde make it aftir the fourme that he saigh: which also oure fadris tooken with Ihesu, and broughten into the possessioun of hethene men, which God puttide awei fro the face of oure fadris til into the daies of Dauid, that foond grace anentis God, and axide that he schulde fynde a tabernacle to God of Iacob. But Salamon bildide the hous to him. But the high God dwellith not in thingis maad bi hond, as he seith by the prophete, Heuene is a seete to me, and the erthe is the stool of my feet; what hous schulen ghe bilde to me? seith the Lord; either what place is of my restyng? whethir myn hond made not all these thingis?" †

Contemporary with Wycliffe was Geoffrey Chaucer, who is commonly regarded as the father of English poetry, and who closed his life in the year 1400. Dr. Johnson has remarked, that "he may, perhaps, with justice, be styled the first of our versifiers who wrote poetically." ‡ He was a man of original genius, improved by a familiar acquaintance with writers in several languages. For the native poets who preceded him, he appears to have entertained but little respect: he sought for better models among the Latin, Italian, and French writers, and in all these languages he found works which he either translated or imitated. He possessed a lively fancy, and was a shrewd observer of life and manners. He improved the language, and refined the taste of his contemporaries. In several of

* The ignorance and zeal of our ancestors converted Mahomet into a demon. *Maumetry* is frequently used to denote idolatry, and *maumet* to denote an idol. The Mahometans were regarded as idolators; and it must have been supposed that they worshipped the founder of their faith. "Certes be it wife, be it chylde, or anye worldly thynge, that he loueth before God, it is his *maumet*, and he is an ydolaster." (*Chaucer's Works*, f. cxiiii. b. edit. Lond. 1542, fol.)

> Lat Virgil hald his *maumentis* till him self,
> I wourschip nowthir ydole, stok, nor elf.
>
> DOUGLAS'S Virgil, p. 311.

† *New Testament*, translated by Wiclif, p. 196. Baber's edit. Lond. 1810, 4to.

‡ *Johnson's History of the English Language*, prefixed to his Dictionary.

his compositions, he adopted a species of verse, which seems peculiarly suitable to English poetry *, and he taught them to write, if not with new harmony, at least with new terseness. The work by which he is best known are his *Canterbury Tales;* and in these he not only exhibits many characteristic delineations of manners, but likewise evinces a rich vein of native humour. They commence with the following verses, which we have selected on account of the elaborate analysis to which they have been subjected by Mr. Tyrwhitt † : —

Whanne that April with his shoures sote
The droughte of March hath perced to the rote,
And bathed every veine in swiche licour,
Of whiche vertue engendred is the flour;
Whan Zephirus eke with his sote brethe
Enspired hath in every holt and hethe
The tendre croppes, and the yonge sonne
Hath in the Ram his halfe cours yronne,
And smale foules maken melodie,
That slepen alle night with open eye,
So priketh hem nature in hir corages;
Than longen folk to gon on pilgrimages,
And palmeres for to seken strange strondes,
To serve halwes couthe in sondry londes;
And specially, from every shires ende
Of Englelond, to Canterbury they wende,
The holy blisful martyr for to seke,
That hem hath holpen whan that they were seke.

In the English language, as it thus appeared in the fourteenth century, the Anglo-Saxon vocabulary was still predominant, but the words had been greatly curtailed in their inflexions. This plan of simplifying the structure of speech is to be traced in other instances, where a rude or a strange race is mingled with a people who have cultivated a more complex language, bearing little or no resemblance to their own. The most essential part of the vocabulary may be acquired without much difficulty; but it is not so easy to become acquainted with the inflexions of nouns and verbs, or with some other niceties which belong to language in its more complicated form. The modern languages of Italy, France, Spain, and Portugal were all formed of similar materials: the words of each are to a great extent derived from the ancient Latin, but are blended with words of a different origin, words imported by the barbarous tribes who dismembered the Roman empire; and in all these languages, the most material rules of grammar seem to be in a great measure the same. The Latin terminations were altered or retrenched; the vowels were very frequently interchanged; the definite article was formed from the first or the second syllable of the pronoun *ille;* and

* "By far the most considerable part of Chaucer's works is written in that kind of metre which we now call the heroic, either in distichs or in stanzas; and as I have not been able to discover any instance of this metre being used by any English poet before him, I am much inclined to suppose that he was the first introducer of it into our language." (*Tyrwhitt's Essay on the Language and Versification of Chaucer*, p. 83.)

† *Canterbury Tales of Chaucer*, vol. iv. p. 106. Lond. 1775, 5 vols. 8vo.

the introduction of auxiliary verbs completed this transformation of one language into another.

Many French words had now been incorporated with the English language; but the composition of this period began to be marked by an affectation of words derived immediately from the Latin. If Chaucer did not set the example, he at least followed it; and when he aims at a more ornamental style, his use of such phraseology is sufficiently copious. In this respect he was, however, exceeded by some of his successors, particularly Hoccleve, Lydgate, and Hawes, who inherited no portion of his strength and originality. Being deficient in taste as well as genius, they devised a verbose and languid style, interspersed with many sonorous and polysyllabic terms, with terms "aureate and mellifluate," which did not assimilate with their native tongue. The same false taste was at length communicated to the Scottish poets. Dr. Nott has remarked, that Barbour had given his countrymen a fine example of the simple energetic style, which resembled Chaucer's best manner, and wanted little to make it the genuine language of poetry; and that other poets of the same nation, particularly James I. and Henryson, adhered to this model of a simple diction, and affected no other ornament than what the proper use of their language supplied. But, ultimately the false taste which had infected the English poets, was communicated to their brethren of the north. "Thus Dunbar," he adds, "a poet of a rich and lively fancy, and possessing great natural command of language, was induced to use the following pedantic language in the opening to his beautiful moral poem, called the *Golden Terge*." * And of this poem he subjoins the first stanza.

Gower and Lydgate, whose names are very frequently mentioned with that of Chaucer, are well known to the readers of our early poetry. Thomas Hoccleve, whom his editor supposes to have been born about the year 1370, makes a more inconsiderable figure in the literary annals of that age, but he seems nevertheless to claim a passing notice. He was deficient in the essential qualifications of a poet; and, in the opinion of Mr. Warton, "his chief merit seems to be, that his writings contributed to propagate and establish those improvements in our language which were now beginning to take place." † One of his poems opens with these stanzas: —

O precious tresor incomparable,
  O ground and roote of prosperitee,
O excellent richesse commendable
  Aboven alle that in eerthe be,
  Who may susteene thyn adversitee?
What wight may him avante of worldly welthe,
  But if he fully stand in grace of thee,
Eerthely god, piler of lyf, thow helthe?

Whil thy power and excellent vigour,
  As was plesant un to thy worthynesse,
Regned in me, and was my governour,
  Than was I wel, tho felte I no duresse,

* *Nott's Dissertation on the State of English Poetry before the Sixteenth Century*, p. cxc.

† *Warton's Hist. of English Poetry*, vol. ii. p. 348. Price's edit.

Tho farsid was I with hertes gladnesse;
And now my body empty is, and bare
Of joie, and ful of seekly hevynesse,
Al poore of ese, and ryche of evel fare.*

The greater part of the fifteenth century was highly unfavourable to the progress of literature in England. The repeated contests for the crown, and the civil wars which they occasioned, were attended with a great waste of human blood, and with that uncertainty of possession, and those reverses of fortune, which leave the mind but little relish for such pursuits as are chiefly calculated to gratify the taste. Of the prose composition of that period we select a specimen from Sir John Fortescue's treatise on monarchy. The author was Chief Justice of the King's Bench in the reign of Henry VI., and, during the exile of that unfortunate monarch, appears to have acted as his Chancellor.

"For that cause, and for grete necessitie which the French kyng had of goods, for the defence of that lond, he took upon hym to set talys and other impositions upon the commons, without the assent of the three estats; but yet he would not set any such chargs, nor hath set upon the nobles, for feare of rebellion. And because the commons, though they have grutchid, have not rebellid, or be hardy to rebell, the French kyngs have yearly sythen sett such chargs upon them, and so augmented the same chargis, as the same commons be so impoverishid and distroyyd, that they may unneth lyve. They drynke water, they eate apples, with bred right brown made of rye. Thay eate no flesche, but if it be selden a litill larde, or of the entrails or heds of bests sclayne for the nobles or merchaunts of the lond. They weryn no wollyn, but if it be a pore cote under their uttermost garment, made of grete canvas, and cal it a frok. Their hosyn be of like canvas, and passen not their knee; wherefor they be gartrid and their thyghs bare. Their wifs and children gone bare fote; they may in non otherwyse lyve. For sum of them, that was wonte to pay to his lord for his tenement, which he hyrith by the yere, a scute, payyth now to the kyng, over that scute, fyve skuts; wher thrugh they be artyd by necessite so to watch, labour, and grub in the ground for their sustenaunce, that their nature is much wastid, and the kynd of them brought to nowght." †

Sir Thomas More, another Chancellor, who was beheaded in the year 1535, was distinguished alike by his talents and his learning. He has left many works in English and Latin, in prose and verse; and, if his mind had been less encumbered with bigotry, he might have left to posterity the character of a great man. The following passage occurs in a work in which he laboured to prop the tottering cause of popery:—

"But to the entente ye shall yet the lesse doubte what good fruyte was intended by this translacyon, and easyly iudge your selfe whyther it was well worthy to be burned or not, ye shall vnderstande that there hath ben synce that tyme another boke made in Englyshe, and im-

* *Poems by Thomas Hoccleve*, p. 27. Lond. 1796, 4to.

† *Fortescue's Difference between an absolute and limited Monarchy*, p. 17. Lond. 1714, 8vo.

prynted, as it sayth, in Almayne, a folysshe raylynge boke agaynst the clergy, and moche parte made in ryme; but the effecte therof was all agynst the masse and the holy sacrament. In this boke, the maker rayleth vpon all them that caused Tyndals translacyon of the Newe Testament to be burned, sayeing that they burned it bycause that it dystroyed the masse. Wherby ye may se that he rekened that translacyon very good for theyr purpose towarde the destruccyon of the masse. By Saynt Mary masse, quod your frende, that boke is a shrewd glose for the other. For it shewed a cause for whiche it was well worthy to be burned, and the maker with it, if it were made to destroy the masse. But who made that seconde boke? Forsothe, quod I, it appereth not in the boke. For the boke is put forth namelesse, and was in the begynnyng rekened to be made by Tyndall. And whyther it so were or not, we be not yet very sure. How be it syth that tyme Tyndall hathe put oute in his owne name another boke entytled Mammona, whiche boke is very Mammona Iniquitatis, a very treasoury and well spryng of wyckednes. And yet hath he sythens put forth a worse also, named the Obedyence of a Crysten Man, a boke able to make a Crysten man that wolde byleue it leue of all good Crysten vertues, and lese the meryte of his Crystendom."*

The life of this eminent person has been written by his son-in-law, William Roper, in a manner very affectionate and interesting, and in a style of touching simplicity. Of his mode of writing the subsequent extract supplies a specimen:—

"When Sir Thomas More came from Westminster to the Tower-warde againe, his daughter, my wife, desirous to see her father, whome she thought she should never see in this world after, and alsoe to have his finall blessinge, gave attendance about the Tower wharffe, wheare she knewe he should passe before he could enter into the Tower. Theare tarryeinge his comminge, as soone as she swae him, after his blessinge uppon her knees reverently received, she hastinge towards him, without consideracion or care of her selfe, pressinge in amongst the midst of the thronge and companie of the garde that with holbards and bills went round about him, hastelie ranne to him, and theare openlie in sight of them imbraced him, and tooke him about the neck, and kissed him. Who well likinge her most naturall and deere daughterlie affeccion towards him, gave her his fatherlie blessinge and manie godlie wordes of comfort besides. From whome after she was departed, she not satisfied with the former sight of him, and like one that had forgotten herselfe, beinge all ravished with the entire love of her father, havinge respect neither to her selfe, nor to the presse of people and multitude that weare theare about him, suddainlie turned backe againe, ranne to him as before, took him about the necke, and divers times kissed him lovinglie, and at last with a full and heavie heart was faine to depart from him: the beholdinge whearof was to manie that weare present soe lamentable, that it made them for verie sorrow thearof to weepe and mourne."†

Thomas Cranmer, Archbishop of Canterbury, who was born in

* *More's Dyalogc*, wheryn be treatyd dyuers maters, as of the Veneracyon and Worshyp of Ymagys and Relyques, Prayng to Sayntis, and Goynge on Pylgrymage, f. lxxxxix. b. Lond. 1530, fol.

† *Roper's Life of Sir Thomas More*, p. 113. edit. Chiswick, 1817, 8vo.

1489, and was committed to the flames in 1556, was a man of a vigorous understanding, improved by extensive learning. His travels and studies had rendered him as familiar with the French, Italian, and German, as with the Latin, Greek, and Hebrew languages. In theology and the canon law he appears to have been deeply skilled; and, possessing an acute intellect and a clear head, he was capable of applying his various stores of knowledge to the most useful and practical purposes. His works, as the subsequent extract may partly evince, afford a very favourable specimen of the English style of that period.

"Nowe the nature of man beyng euer prone to idolatry from the begynnyng of the worlde, and the papistes beyng ready by al meanes and policy to defend and extoll the masse for their estimation and profite, and the people beyng supersticiously enamored and doted vpon the masse (bycause they take it for a present remedy against al maner of euyls), and part of the princes, beyng blinded by papistical doctrine, part louing quietnesse, and lothe to offende their clergy and subiectes, and all beyng captiue and subiecte to the Antichrist of Rome, the state of the world remaynyng in this case, it is no wonder that abuses grewe and encreased in the churche, that superstition with ydolatrye were taken for godlynes and true relygion, and that many thyngs were brought in without the authorytee of Chryste. As purgatory, the oblation and sacrificyng of Christ by the priest alone, the application and appointyng of the same to such persones as the priest would syng or say masse for, and to such abuses as they could deuise, to deliuer some from purgatory and some from hel (if they were not there finally by God determinined to abide, as they termed the mattier), to make raine or fayre wether, to put awaye the plage and other syckenesses both from man and beast, to halowe and preserue them that went to Jerusalem, to Rome, to Saincte James in Compostella, and to other places in pilgrimage, for a preseruatiue against tempest and thunder, against peryls and daungers of the sea, for a remedye against morren of cattell, against pensiuenes of the hearte, and against all maner affliction and tribulations. And finally, they extol their masses farre aboue Christes passion, promisyng manny thynges thereby whiche were neuer promised vs by Christes passion; as that if a man heare masse, he shall lacke no bodily sustenance that day, nor nothinge necessarye for him, nor shal be letted in his iourney, he shall not lose his sight that day, nor dye no sodaine death, he shall not waxe old in that tyme that he heareth masse, nor no wicked spirites shal haue power of him, be he neuer so wicked a man, so long as he loketh upon the sacrament. All these foolish and diuelishe supersticions the papistes of their owne ydle braine haue deuised of late yeares, which deuises were neuer knowen in the olde churche."*

Sir Thomas Elyot, who died in 1546, was another individual who acquired distinction by his literary attainments during the reign of Henry VIII. Of the language and style of that period, he supplies the following specimen:—

"Good Lorde, how many good and clene wyttes of chyldren be nowe a dayes perished by ignoraunt schole maysters! How lyttle

* *Cranmer's Defence of the trve and catholike Doctrine of the Sacrament of the Body and Bloud of our Sauiour Christ*, f. 115. b. Lond. 1550, 4to.

substantiall doctryne is apprehended by the fewenesse of good grammariens! Notwithstanding, I know that ther be som wel lerned, whych haue taught, and also doe teache, but God knoweth a few, and they with smal effect, hauing therto no comfort; theyr aptest and most propre scholers, after they be well instructed in speakyng Latine, and vnderstandyng some poetes, beyng taken from theyr schoole by theyr parentes, and either be brought to the court, and made lakayes or pages, or elles are bounden prentyses, wherby the worshyp that the mayster aboue anye rewarde couayteth to haue by the praise of his scholer, is vtterly drowned. Wherof I haue harde schoole maisters, very wel lerned, of good ryght complayne. But yet (as I sayd) the fewnesse of good grammariens is a great impediment of doctrine. And here I wold the reders shulde marke that I note to be few good grammariens, and not none. I call not them grammariens whiche onely can teache or make rules, whereby a chylde shall onely learne to speake congrue Latyn, or to make syxe verses standynge on one foote, wherein perchaunce shalbe neyther sentence nor eloquence. But I name hym a grammarien, by the authoritee of Quintilian, that spekyng Latine elegantly, can expound good authours, expressing the inuencion and disposition of the matter, their style or fourme of eloquence, explycatynge the fygures, as well of sentences as wordes, leuynge nothyng, person or place named by the authour, vndeclared or hydde from his scholers."*

John Poynet, successively Bishop of Rochester and Winchester, was born about the year 1516, and died in exile in the year 1556. He is the author of several works; but the most remarkable of them is a political treatise, in which he anticipated the bold speculations of Buchanan and Languet relative to the right of resisting and punishing tyrants. From this treatise we extract the subsequent passage: —

"This is the frute, wher princes take all their subiectes thinges as their owne. And wherunto at leingth will it come, but that either they must be no kinges, or elles kinges without people? which is all one. But thou wilt saie, wherof cometh this common saieng, all thinges be the kaisers, all thinges be the kinges? It can not come of nothing. But by that that is all ready saied, ye see that euery man maie kepe his owne, and none maie take it from him; so that it can not be interpreted, that all thinges be the kaisers or kīnges, as his owne propre, or that they maie take them from their subiectes at their pleasure; but thus it is to be expounded, that they ought to defende that euery man hath, that he maie quietly enioie his owne, and to see that they be not robbed or spoiled therof. For as in a great mannes house all thinges be saied to be the stuardes, bicause it is committed to his charge, to see that euery man in the house behaue him selfe honestly, and doo his duetie, to see that all thinges be well kept and preserued, and maie take nothing awaie from any man, nor misspend or waste, and of his doinges he must rendre accompt to his lorde for all; so in a realme or other dominion, the realme and countreie are Goddes, he is the lorde, the people are his seruantes, and the king or governour is but Goddes minister or stuarde, ordained not to misuse the seruantes, that is, the people, neither to spoile them

* *Elyot's Boke named the Gouernour*, f. 50. b. edit. Lond. 1565, 8vo.

of that they haue, but to see the people doo their duetie to their Lorde God, that the goodes of this worlde be not abused, but spent to Goddes glorie, to the maintenaunce and defence of the common wealthe, and not to the destruction of it. The princes watche ought to defende the poore mannes house, his labour the subiectes ease, his diligence the subiectes pleasure, his trouble the subiectes quietnesse. And as the sunne neuer standeth still, but continually goeth about the worlde, doing his office, with his heate refreshing and comforting all naturall thinges in the worlde; so ought a good prince to be continually occupied in his ministerie, not seking his owne profit, but the wealthe of those that be committed to his charge." *

From the death of Chaucer, more than a century elapsed before another writer, deserving the name of a poet, appeared in England. This writer was Henry Howard, Earl of Surrey, son and heir apparent to the Duke of Norfolk, whom however he did not survive. He was beheaded in 1547, in the thirtieth year of his age. Although thus cut off before the full maturity of intellectual vigour, he lived long enough to effect some very material improvements in English poetry. The versification of preceding poets was more properly rhythmical than metrical. Although some improvements had been introduced by Chaucer, he left the number of syllables too indefinite, and did not reach the harmony and compression of which this noble poet afterwards exhibited an example. The change, says Dr. Nott, which Surrey "proposed and effected, was this. He substituted for the old rhythmical mode of versification one as nearly metrical as the nature of any language, which regulates the value of syllables by accent and not by quantity, will allow. He limited the heroic verse to ten syllables, and these he divided into five equal iambic feet; for he perceived that the frequent return of the short syllable was necessary to correct that languor and ponderosity which the constant recurrence of monosyllables would otherwise occasion. He was aware, however, that the iambic measure, though sweet in itself, was liable to become monotonous and pall upon the ear. He therefore introduced the further refinement of breaking the lines with pauses. The natural place for the pause was at the end of the fourth syllable, where the old cæsura generally fell; but he varied the situation of his pauses as he found the harmony of the verse required, or as he thought the beauty and effect of the passage would be heightened by it. Such was the system of versification introduced by Surrey. Of the correctness of his taste, and the justness of his reasoning upon the subject, no further proof need be required than the event. For the laws of English versification, such as they were established by Surrey, have been adopted by our standard writers, with hardly any variation, ever since. At particular times, indeed, a particular taste has for a short season prevailed. Thus, in the reign of James, and of Charles the First, quaintness, and a love of antithesis, gave a new turn to our versification, and made it abrupt and irregular. But in the two best epochs of our poetry, during the reign of

* *Poynet's Shorte Treatise of Politike Power, and of the true Obedience which Subiectes owe to Kynges and other Ciuile Governours*, sig. F. 7. 1556, 8vo.

Elizabeth, and after the Restoration, those principles of versification alone were observed which Surrey had introduced. An attentive reader will be surprised to find how little was added afterwards by even Dryden or Pope to the system and perfectness of Surrey's numbers."* Another change introduced by this illustrious youth was the use of the heroic blank verse. Langland and other writers had indeed dispensed with rhyme; but, as we have already seen, their alliterative lines were constructed in a very different manner. In the following sonnet, he bewails the death of another eminent poet, Sir Thomas Wyatt: —

Divers thy death do diversely bemoan;
  Some, that, in presence of thy livelihed
Lurked, whose breasts envy with hate had swoln,
  Yield Cæsar's tears upon Pompeius' head.
  Some, that watched with the murd'rer's knife,
With eager thirst to drink thy guiltless blood,
  Whose practice brake by happy end of life,
Weep envious tears to hear thy fame so good.
  But I, that knew what harboured in that head,
What virtues rare were tempered in that breast,
  Honour the place that such a jewel bred,
And kiss the ground whereon thy corpse doth rest,
  With vapour'd eyes; from whence such streams avail
  As Pyramus did on Thisbe's breast bewail.

His sonnet on Spring may be quoted as another specimen of his language and versification: —

The soote season, that bud and bloom forth brings,
  With green hath clad the hill, and eke the vale;
The nightingale with feathers new she sings,
  The turtle to her mate hath told her tale.
Summer is come, for every spray now springs:
  The hart hath hung his old head on the pale,
The buck in brake his winter coat he flings,
  The fishes flete with new repaired scale,
The adder all her slough away she flings,
  The swift swallow pursueth the flies smale,
The busy bee her honey now she mings;
  Winter is worn that was the flowers' bale.
And thus I see among these pleasant things
Each care decays, and yet my sorrow springs.†

Before the close of the sixteenth century, the English language had in a great measure attained that form and structure which it continues to exhibit. A great improvement of taste had been introduced, by a more critical and more general study of the ancient classics. William Lilly, the famous grammarian, who had learned Greek at Rhodes, and who had afterwards acquired a polished Latinity at Rome, became the first teacher of Greek at any public school in England: this was at St. Paul's school, in London, of which he was appointed the first master about the year 1500.‡ The

* *Nott's Dissertation on the State of English Poetry before the Sixteenth Century* (p. clxxxi.), prefixed to the Works of Surrey and Wyatt. Lond. 1815, 2 vols. 4to.

† *Surrey's Works*, p. 19. 46.

‡ *Warton's Hist. of English Poetry*, vol. iii. p. 258.

language soon began to be more regularly taught in the universities. At Cambridge the study of it was zealously and successfully recommended by Smith, Cheke, and Ascham, who were themselves distinguished by their proficiency. The elegancies of Latin style began to be better understood, and monkish barbarism was gradually banished. Ascham and Haddon acquired distinction by the style of their Latin prose; and some of the verses of Leland discover a classical vein previously unknown to his countrymen. Before the close of the century, many of the Greek and Latin writers appeared in an English dress, and classical story and mythology were rendered familiar to the common reader. In addition to the French, the Italian and Spanish languages attracted a great degree of attention; and from all of these languages, especially the two former, many works were likewise translated. New sources of knowledge, as well as of fancy, were thus opened, and the English tongue was enriched with a more copious and variegated phraseology. Surrey and Wyatt were succeeded by poets of great genius, by Shakspeare and Spenser, as well as by many others, who, though of inferior powers, were yet possessed of a vigorous and brilliant imagination. The prose compositions of Bacon and Raleigh, partaking of the native energy of their authors, exhibited specimens of a condensed and forcible style, to which the preceding age had never attained. During the earlier part of the seventeenth century, ancient learning was assiduously cultivated; and men of great erudition, Usher, Selden, Gataker, Cudworth, and others, adorned the literary annals of their country. The prevailing taste of scholars had however a strong tendency to what was scholastic, if not pedantic; and even the poets, such as Donne and Cowley, substituted the subtilties of metaphysical conceits for flights of poetic fancy. Many words, derived immediately from the Latin, were introduced by the learned writers of the period to which we now refer. A considerable number of them have been subsequently rejected, while others are incorporated in the vocabulary. In the mean time, English poetry had nearly reached its highest limits. Milton's *Paradise Lost*, so eminently distinguished as a work of creative genius, affords the most remarkable illustration of the compass, power, and harmony of the language. Nor is Dryden unworthy of being mentioned with this mighty master of the English lyre. His powers of mind were no doubt different in kind and degree, but he was possessed of a genius truly poetical; and his prose, as well as his verse, exhibits a rich and copious vein of English phraseology.

The subsequent progress of the language our narrow limits will not permit us to trace. The history of the Scottish language is involved in more obscurity. The Celtic tongue is supposed to have been originally spoken in every district of that kingdom; nor has it been found an easy task to account for the introduction of a Gothic dialect, bearing a very close affinity to English. That the Scottish language is merely a dialect of the English, seems indeed to be the more prevalent opinion; and this foreign speech is supposed to have been gradually adopted by the Picts, who are at the same time described as a people of Celtic origin. The ancient history of every race of men which is possessed of no ancient records, and which has

not attracted much attention from more enlightened nations, must ever be involved in doubt and uncertainty. In the present instance, we have little to guide our inquiries, besides a few scattered and contradictory notices, added to the ordinary and well-ascertained progress of human speech. When other records fail, the history of a nation may sometimes be traced in the history of its language; and a very moderate degree of reflection will enable us to determine the probability of a Celtic people unlearning their native tongue, and, from deliberate choice, adopting another speech completely and radically different.

Dr. Geddes, in a Dissertation on the Scoto-Saxon Dialect, has strenuously maintained this extraordinary opinion, which has likewise been adopted by a more recent writer, possessing no portion of his acuteness or learning. "The names," it is stated, "of all the rivers, mountains, towns, villages, and castles, of any note or antiquity, from Berwick-law to Buchanness, and from Buchanness to Arder-Sier, are all evidently Celtic. We must, then, either suppose that the language of the Picts was a dialect of the Celtic, or that they were not the original inhabitants of the country; or, in fine, that, after the extinction of the Pictish empire, or rather its union with the Irish-Scots, the language of these latter universally prevailed, and effaced the very remembrance of its Gothic predecessor. The second of these suppositions is contrary to history; the third is belied by experience; the first then is the only one that is founded in probability." * This observation with respect to the prevalence of Celtic names, though too strongly stated, is not without foundation. We may therefore admit that the south of Scotland was, at some remote period, inhabited by a Celtic people; but it is not a necessary inference that this people must be identified with the Picts. Whatever hypothesis may be adopted, it is not denied that many Celtic names of places have been retained, where the inhabitants have long ceased to speak any dialect of the Celtic language. It may very easily be conjectured, that this primitive race of Celts was finally supplanted by new settlers, and that those settlers, whether Scandinavians or some other Gothic tribe, adopted many of the names which the original inhabitants had applied to mountains, rivers, and other conspicuous objects. That a similar process has been followed in innumerable instances, must be obvious to every person acquainted with the history of European settlements in other quarters of the globe: the native appellations are almost always retained to a certain extent, and are mingled with other names, borrowed from the language of the colonists.

If we should suppose the Picts to have been a Celtic people, a very hard problem will remain to be solved: — by what extraordinary means could a distinct race of men, placed in such circumstances, be induced to reject one language, and to adopt another? This radical and unprecedented change Dr. Geddes is disposed to ascribe to the operation of such causes as the following: — to the temporary subjection of the southern provinces of Scotland by the Northumbrians;

* *Transactions of the Society of the Antiquaries of Scotland*, vol. i. p. 408.

to the immense number of captives seized during the ancient wars with the English; to the planting of English garrisons in several of the Scottish towns, to the amicable intercourse of the Picts with the English; and, finally, to the influence of Malcolm Canmore's courtiers, whom he supposes to have learned the English language from Queen Margaret and her retinue. But it may without much temerity be affirmed that, in the entire annals of the human race, such an effect was never produced by such causes. In a more refined state of society, the love of knowledge, the hope of gain, or the influence of fashion, may induce many individuals to betake themselves to the acquisition of foreign languages; but the great body of the people will ever be disposed to rest perfectly satisfied with the speech, whether rude or cultivated, which they have derived from their parents. It is only by some great revolution, by a total conquest, or by an overwhelming extent of colonization, that the current language of a country can be materially changed. After the Norman conquest, when French became the language of the court and of the law, and when Norman barons were planted in almost every corner of England, did the combined operations of such causes eradicate the old, and establish a new language in its place? Many new words were unquestionably introduced, but these were merely engrafted on the old stock of the Anglo-Saxon. "Had the Saxon," as Dr. Jamieson well observes, "found its way into Scotland in the manner supposed, it would necessarily have been superinduced on the Gaelic. This has always been the case where one language prevailed over another; unless the people who spoke the original language were either completely or nearly exterminated. Thus was the Norman gradually incorporated with the Saxon, as the Frankish had been with the Latinized Celtic of France. But the number of Gaelic words to be found in what is called broad Scots bears a very small proportion to the body of the language." * And this solitary fact is indeed sufficient to evince that the inhabitants of the south of Scotland cannot be sprung from Celtic ancestors. Dr. Geddes has ventured to specify the reign of Malcolm III., which commenced in the year 1057, as the period of a general denization of the Saxon tongue in Scotland. "That monarch," he remarks, "had been bred in England, and married an English princess. Her retinue were all English. English, in consequence, would become the language of that court. The courtiers would carry it to their respective homes; their domestics would be ambitious to speak the language of their masters; and thus it would be gradually introduced into every fashionable circle." † But to introduce a language into every fashionable circle, is somewhat different from rendering it the current speech of the people: French was long the court language, and the

* *Jamieson's Dissertation on the Origin of the Scottish Language* (p. 21.), prefixed to his Dictionary.

† Verstegan reasons in nearly the same manner. (*Restitution of decayed Intelligence*, p 180. Antwerp, 1605, 4to.) See likewise the preface to Dr. Wallis's *Grammatica Linguæ Anglicanæ*, p. xxii. and Mr. Boucher's Introduction to his Glossary, p. li.

language of fashionable circles in England, and yet the great body of the people persisted in speaking English.

The insuperable difficulty of accounting for such a transition as has thus been supposed, a transition from a Celtic to a Gothic dialect, renders the conclusion obvious and unavoidable, that the Gothic speech of Scotland was derived from a Gothic race of ancestors. Nor is this conclusion altogether free from difficulties, though they are of very inferior weight to those which are to be deposited in the opposite scale. It is the opinion of a late writer, who has investigated the subject with much ability, that the Picts emigrated from Scandinavia *; and, according to this opinion, the Picts and Saxons must have spoken two dialects of the same original tongue. The history of these kindred dialects may be illustrated from that of some others, derived from the same Gothic origin. The Islandic, Swedish, and Danish languages are all descended from the ancient Scandinavian. Island, which, as the learned Bishop Müller has remarked, is entitled to particular attention as the foster-mother of northern history †, was peopled by a colony of Norwegians, in the year 874. This race of men, confined to a remote island, and maintaining but little intercourse, either of peace or war, with other nations, has preserved its ancient language with singular purity.‡ The Swedes and Danes, more extensively engaged in the pursuits of commerce, and more closely connected with the rest of mankind, have exhibited a different progress: but, while both languages have receded very widely from the Islandic, they have not receded very widely from each other; a similar state of society, similar relations with other countries, and the study of the same foreign authors, have produced corresponding changes in both. In the history of these two languages, we do not indeed find a complete parallel with that of the Scottish and English: the Swedish and Danish are both dialects of the ancient Scandinavian; while the Scottish is derived from the Scandinavian, and the English from the ancient German. But the Scandinavian and the German proceeded from the same common stock; and when we

* *Pinkerton's Enquiry into the History of Scotland*, vol. i. p. 168. Lond. 1789. 2 vols. 8vo. Mr. Roberts inclines to the same opinion: "The Picts, or, more properly, Phichts, probably a colony of Scandinavians, originally from Scythia, as they are said to have come over the Northern Sea. Triad, 7." (*Sketch of the early History of the Cymry, or Ancient Britons*, p. 125. Lond. 1803, 8vo.) Professor Magnusen, who has more recently investigated the origin of the Picts, bestows sufficient commendation on Mr. Pinkerton's learning and research, and to a certain extent is disposed to adopt his leading opinion; but at the same time he declares himself unable to approve of all the arguments by which it is supported, especially of those which rest upon erroneous interpretations of Scandinavian words and antiquities; nor does he fail to express his disapprobation of this writer's unseasonable invectives against the Celts. (*Om Picternes og deres Navns Oprindelse*, S. 56. Kiöbenhavn, 1817, 8vo.)

† *Müller's Sagabibliothek*, Bd. i. S. 4. Kiöbenhavn, 1817–20, 3 Bind. 8vo.

‡ Dr. Sharpe has well stated, that "war, invasion, conquest, treaties, intercourse with different nations, commerce, colonies, rise of arts, logical refinements, controversies, time or age, and the humours of a people, are all causes of alteration in language." (*Two Dissertations upon the Origin of Languages, and upon the original Powers of Letters*, p. 35. edit. Lond. 1751, 8vo.)

ascend to a period sufficiently remote, they are only to be regarded as dialects of the same language.

It is not to be concealed that Barbour, Winton, Henry the Minstrel, and other early poets of Scotland, have described their native language as English.* This application of the name has been explained, with at least some degree of plausibility, by referring to the circumstance of the Gaelic being then denominated the Scottish language.† A Celtic and a Gothic dialect could not well be described by the same term; and "when, by a necessary contingency, the Gothic language had in the same space, though in different nations, retained much the same hues, the name of that dialect which was spoken by the greater and politer people was imparted to the other, inhabiting a contiguous part of the very same island." ‡ Mr. Pinkerton is less fortunate in another suggestion; namely, that it is not more strange to perceive that the Italian, French, and Spanish languages were originally termed Romance. They were all described by this common name, because they were all derived from one common source, the language of the Romans; but we are not inclined to believe that the Scottish and English tongues stand in precisely the same relation to each other.

One of the most ancient specimens of the Scottish language is a poem of eight lines, composed on the death of Alexander III., who perished by an accidental death in the year 1286. That these lines were written soon after the event to which they refer, is affirmed by Winton, in whose chronicle they are preserved: —

Quhen Alysandyr oure kyng was dede,
  That Scotland led in luwe and le,
Away wes sons of ale and brede,
  Of wyne and wax, of gamyn and gle:
Our gold wes changyd in-to lede.
  Cryst, borne in-to virgynyte,
Succour Scotland and remede,
  That stad is in perplexyte. §

John Barbour, Archdeacon of Aberdeen, died in the year 1396, and was therefore contemporary with Chaucer. His poem on the exploits of King Robert furnishes an excellent specimen of the language: it is highly interesting as a relique of early literature, nor is it without its value as a record of early history. This venerable poet's encomium on political freedom is distinguished by a manly and dignified strain of sentiment: —

A! fredome is a noble thing!
Fredome mayss man to haiff liking,

---

* *Barbour's Bruce*, p. 82. *Winton's Cronykil*, vol. i. p. 4. *Henry's Wallace*, p. 231.

† "Duobus enim utuntur linguis, Scotica videlicet, et Teutonica; cujus linguæ gens maritimas possidet et planas regiones: linguæ vero gens Scoticæ montanas inhabitat, et insulas ulteriores." (*Forduni Scotichronicon*, vol. i. p. 44. edit. Goodall.)

‡ *Pinkerton's Essay on the Origin of Scotish Poetry* (p. lxxi.), prefixed to Ancient Scottish Poems. Lond. 1786, 2 vols. 8vo.

§ *Winton's Cronykil of Scotland*, vol. i. p. 401.

Fredome all solace to man giffis;
He levys at ess that frely levys.
A noble hart may haiff nane ess,
Na ellys nocht that may him pless,
Gyff fredome failyhe; for fre liking
Is yharnyt our all othir thing.
Na he that ay hass levyt fre,
May nocht knaw weill the propyrte,
The angyr, na the wrechyt dome,
That is cowplyt to foule thryldome.
Bot gyff he had assayit it,
Than all perquer he suld it wyt,
And suld think fredome mar to pryss
Than all the gold in warld that is.*

James I., one of the most remarkable persons of the age in which he lived, was born in 1394, and was assassinated in 1437. Many of his poems are probably lost, or are no longer recognized as his; but those which still remain are sufficient to secure for the author a high rank among the British poets of that age. The uncommon versatility of his talents enabled him to excel alike in serious and in ludicrous composition: he evinces a warm imagination and a feeling heart, and he has left some exquisite specimens of humour. The subsequent extract is from his longest poem, which bears the title of "The King's Quair:" —

Quhare in a lusty plane tuke I my way,
  Endlang a ryuer, plesant to behold,
Enbroudin all with fresche flouris gay,
  Quhare throw the grauel, brycht as ony gold,
  The cristal water ran so clere and cold,
That in myn ere maid contynualy
A maner soun mellit with armony:

That full of lytill fischis by the brym,
  Now here now there, with bakkis blewe as lede,
Lap and playit, and in a rout can swym
  So prattily, and dressit thame to sprede
  Thaire curall fynis, as the ruby rede,
That in the sonne on thaire scalis brych
As gesserant ay glitterit in my sight.

And by this ilke ryuer syde alawe
  Ane hyeway fand I like to bene,
On quhich on euery syde a long rawe
  Off trees saw I full of levis grene,
  That full of fruyte delitable were to sene;
And also, as it comes vnto my mynd,
Of bestes sawe I mony diuerse kynd.†

We have only room for another specimen of the early Scottish language; and this we shall select from a work of William Dunbar, the most eminent of all the early Scottish poets. He was a native of Lothian, and is supposed to have died about the year 1520. His poems are numerous and miscellaneous, but none of them extends to any considerable length. He evidently unites a brilliant imagination with an elegant taste; nor is he less conspicuous for his skill

* *Barbour's Bruce*, p. 10. Jamieson's edit.
† *Poetical Remains of James the First*, p. 139. Edinb. 1783, 8vo.

in the mechanical part of poetry. The elasticity of his mind, and the versatility of his talents, enabled him to arrive at eminence in different departments of composition. His allegorical poems display a rich and fertile invention; and he is equally distinguished for his powers of description and satirical humour. His diction is often remarkable for its tersenesss and forcible simplicity; but it is not always free from the vicious and pedantic phraseology with which the English poetry of that period is so deeply infected. "It is evident," says Dr. Drake, "that a union of talents of this wide range must necessarily be of rare occurrence; nor can we wonder that a century should elapse before a poet in any high degree approaching the genius of Chaucer made his appearance in our island. Not indeed until Dunbar arose in the sister kingdom, had we another instance of the combination of first-rate abilities for humour and comic painting, with an equally powerful command over the higher regions of fiction and imagination." * *The Thistle and the Rose*, a poem in celebration of the nuptials of James IV. and Margaret Tudor, opens with the following stanzas: —

Quhen Merche wes with variand windis past,
  And Appryll had with hir silver shouris
Tane leif at nature with ane orient blast,
  And lusty May, that muddir is of flouris,
  Had maid the birdis to begyn thair houris
Amang the tendir odouris reid and quhyt,
Quhois harmony to heir it wes delyt;

In bed at morrow sleiping as I lay,
  Methocht Aurora with her cristall ene
In at the window lukit by the day,
  And halsit me with visage paile and grene;
  On quhois hand a lark sang fro the splene,
Awalk, luvaris, out of your slemering,
Se how the lusty morrow dois upspring.

Methocht fresche May befoir my bed upstude,
  In weid depaynt of mony diverse hew,
Sober, benyng, and full of mansuetude,
  In bright atteir of flouris forgit new,
  Hevinly of color, quhyt, reid, brown, and blew,
Balmit in dew, and gilt with Phebus bemys,
Quhyl all the house illumynit of her lemys.

Slugart, scho said, awalk annone for schame,
  And in my honor sumthing thow go wryt:
The lark hes done the mirry day proclame,
  To rais up luvaris with comfort and delyt,
  Yet nocht incress thy curage to indyt,
Quhois hairt sumtyme hes glaid and blissfull bene,
Sangis to mak undir the levis grene. †

The Celtic language still prevails in some extensive districts of the United Kingdom. One of its most cultivated dialects is the Welsh, which comprises some very ancient and curious reliques of

* *Drake's Mornings in Spring*, vol. ii. p. 4. Lond. 1828. 2 vols. 8vo.
† *Hailes's Ancient Scottish Poems*, p. 1. Edinb. 1770, 12mo.

literature.* It is frequently mentioned as a remarkable fact in the history of the affinity of nations and languages, that the Welsh soldiers who served at the siege of Belleisle in the war of 1756, found little difficulty in making their speech intelligible to the people of Bretagne. A dialect of the Celtic tongue continues to be spoken in the Isle of Man, and is known by the name of the Manks language. Another dialect of it was long current in Cornwall. "This language," says Mr. Boucher, "was the current speech of Cornwall till the reign of Henry VIII.: but then innovations took place, and fashionable preachers began to affect to perform the service of the church in English, and, at the Reformation, are said to have very generally expressed their preference of the English service. However, some old-fashioned folks still clung to their paternal tongue with patriotic pertinacity; and the last sermon ever delivered in Cornish was in 1678. Mr. Ray, in 1662, says he could find only one person who could write it; and, in 1768, Mr. Barrington could find only one old woman who could scold in it."† In Scotland, a dialect of Celtic is spoken by a race of men who inhabit no small proportion of the territory, but whose number probably does not exceed one sixth of the general population. Nor is the Gaelic commonly spoken in every part of the Highlands. Even in Caithness, the most northern county of Britain, it is not the current speech. The inhabitants, like those of Orkney and Zetland, are chiefly descended from the Norwegians, and speak a dialect of Scottish. The Scottish Celts are descendants of the Irish, and speak a dialect which still continues to be so similar to theirs, that the people of the two countries can, to a great extent, make themselves intelligible to each other. In the Irish tongue many manuscripts have been preserved, some of which are of an early date; but in the Gaelic there is none that can plausibly pretend to any considerable antiquity.

* See *Mr. Turner's Vindication of the Genuineness of the Ancient British Poems of Aneurin, Taliesen, Llywarch Hen, and Merdhin.* Lond. 1803, 8vo.

† *Boucher's Introduction to his Glossary of Obsolete and Provincial Words*, p. xxxvi. This work, which is now in the progress of publication, we strongly recommend to our readers as a rich and curious storehouse of philological and antiquarian information.

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